

**WELFARE POLITICS AND SOCIAL POLICY OF COAL WORKERS'
PNEUMOCONIOSIS IN BRITAIN AND SOUTH KOREA**

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DECLARATION

I declare that this thesis is of my own composition, based on my own work, with acknowledgement of other sources, and has not been submitted for any other degree or professional qualification.

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LIST OF ABBREVIATIONS

AKPP	Association of Korean Pneumoconiosis Patients
APP	Association of Pneumoconiosis Patients
APPPPW	The Act on the Prevention of Pneumoconiosis and Protection etc. of Pneumoconiosis Workers
ASPP	Association of Simple Pneumoconiosis Patients
ASWT	Association of Social Welfare in Taebak
BACM	British Association of Colliery Management
CIE	Coal Industrial Examination
CWP	Coal Workers' Pneumoconiosis
CWPS	The Coal Workers Pneumoconiosis Scheme
FKCWTU	Federation of Korean Coal Workers' Trade Union
FKTU	Federation of Korean Trade Union
HPPs	Hospitalized Pneumoconiosis Patients
IACI(A)	Industrial Accident Compensation Insurance (Act)
IIS or IIB	Industrial Injuries Scheme (or Benefits)
KCTU	Korean Confederation of Trade Unions
MFGB	Miners' Federation of Great Britain
MOHSA	Ministry of Health and Social Affairs
MOL	Ministry of Labour
NACODS	National Association of Colliery Overmen, Deputies and Shotfirers
NCB	National Coal Board
NUM	Nation Union of Mineworkers
The 1979 Act	Pneumoconiosis etc. (Workers' Compensation) Act 1979
SCNR	Supreme Council for National Reconstruction
SPPs	Simple Pneumoconiosis Patients
SSIC	Social Security Investigation Committee
TUC	Trade Union Congress
WCA	Workmen's Compensation Act
WGIRF	Working Group on Industrial Relations Framework

ABSTRACT

This objective of this thesis is to explore welfare politics and welfare policy in Britain and South Korea (hereafter Korea) focusing on ex-miners with coal workers' pneumoconiosis (hereafter CWP) and laws and institutions concerned (the IIA in 1946 and the CWPS in 1974 in Britain, and the IACI in 1964 and the APPPPW in 1984 in Korea). The reason to choose this group is that they stand at complex conjunction of circumstances - the elderly, the poor, the disabled and the persons injured at work. In addition, the reason to examine laws and institutions concerned is that they contain more general issues of welfare politics.

The theories adopted in this thesis are historical institutionalism and power resources theory which together give an important insight about institutions, politics and welfare state. Based on these theories, this thesis defines welfare politics, its determinants and why it may be deficient. The major elements of welfare politics can be characterized as class politics as exemplified in the role of trade unions, social democracy as a basic ideology and social corporatism as a type of political participation and policy-making. Generally there are three major variables in welfare politics; the organization of trade unions and control of their members; left-wing political parties and solidarity between trade unions and the parties; and the institutionalization of social dialogue and social policy.

From the above determinants, the concept of 'the deficiency of politics' can be defined. Firstly, it is a weakness or extinction of class politics through the exclusion of the labour movement. Secondly, it can be explained by the weakness of progressive political parties in state politics or the lack of solidarity between labour unions and political parties resulting in a difficulty of access to social policy formation by trade unions. Finally, the concept of the 'deficiency of politics' is related to a poor legacy of institutions and the weakness or absence of a class compromise system.

To summarize the research results, there are differences in the areas of welfare politics and welfare system between Britain and Korea. Welfare politics in Britain on this issue includes elements of class politics, labour politics and exchange politics based on balanced power relations among classes and the corporatist political system. Welfare politics in Korea, however, is characterized by pressure group politics in specific areas and legitimacy politics for national goals based on state corporatism. In addition, welfare politics has established different welfare institutions. Korea has established a residual welfare system while Britain has an institutional system. Furthermore, the institutions regulate their welfare politics in different ways: the interests of ex-miners with CWP are secured through established schemes by trade unions in Britain while in Korea the schemes are operated unfairly by interest groups in the interests of a sub-group of the sufferers. As a result, in Korea, welfare politics based on these politics and institutions leads beneficiaries to distrust the Government, relevant institutions, and even their own organization. Similarly, the distrust which exists in Korean ex-miners with CWP can be understood and explained in terms of social policy which has been formed and is being affected by welfare politics.

There are five findings in this thesis. Firstly, the distrustful attitudes of Korean ex-miners with CWP originate from welfare institutions and welfare politics which are closely related. Secondly, the principle of new institutionalism, the correlation between institution and politics, is evident in compensation politics in both Britain and Korea. Thirdly, in an explanation of the Korean welfare state, a power resources model rooted in political economy and corporatism is more persuasive than a cultural approach based upon Confucianism. Fourthly, there are many differences in this policy area between Britain and Korea despite similarities in their welfare state regimes. Fifthly, politics rather than institutions are the dominant explanatory variable.

CHAPTER 1. CWP AND QUESTIONS

1. Comparative Social Policy between Britain and Korea

This thesis aims to explore the industrial injuries schemes for British and South Korean ex-miners with coal workers' pneumoconiosis (hereafter CWP) in order to understand social policy and welfare politics. In order to do this, CWP or pneumoconiosis patients will be chosen as a case study. In general, case studies provide a more complete understanding of a situation's complexity than other research methods and are helpful to arrive at the essence of socio-political phenomena. It is expected that examining the social policy and welfare politics concerning CWP will lead to an in-depth understanding of the British and South Korean welfare states and social policies.

The case of CWP will be examined through comparison of South Korea (hereafter Korea) and Britain. Why is a comparative social policy study useful in understanding the problems surrounding CWP? A clue to the answer to this question is given by May:

Comparative social policy centres on the complex task of examining the welfare order in different countries, identifying commonalties and differences, explaining these and considering possible future developments. More pragmatically it is concerned with improving provision in one country through drawing on the experience of others and assessing the implications of different systems for individuals and the wider society (May, 2004 : 19).

Comparative social policy analysis has generally been regarded as a methodology which can give lessons for social policy and allow an in-depth understanding of the social policy of a country. In other words, a

comparative social policy study between Britain and Korea will illustrate the broader situation of the British and Korean welfare systems and will be useful in finding an alternative based on the strong and weak points of each country.

Why have Britain and Korea been selected as the objects for comparison in this study of ex-miners with CWP? In general, studies which adopt a comparative social policy are divided into two groups: one group emphasizes the similarities, concentrating on their common determinants, while the other group takes notes of the differences, identifying the distinctiveness of the welfare states being studied (Kwon, 1999: 7). Looking at the similarities or differences between comparative objects is a requisite for comparative social policy research. Britain and Korea are good cases for a comparative social policy study due to the fact that while they have some similarities, they are very different in terms of their social policies and welfare politics.

With regard to their similarities, the two countries are both categorized as liberal welfare regimes. Britain has been following the Anglo-Saxon Model, a form of liberal welfare regime, since the advent of Thatcher's government (Jones, 2000; Esping-Andersen, 1990; Pierson, 1994: 2006). Meanwhile, the economics and politics of Korea have developed rapidly¹ and its welfare state has been advanced accordingly

¹ Korea has reformed itself into a rapidly industrializing nation through its Five Year Economic Development Plans beginning in 1962 (Kwon, 1993). As a result, Korea has become the world's eleventh-largest economic power and became a member of the Organization for Economic Cooperation and Development (OECD) in 1996. The economic growth in Korea has been seen as a surprise around the world. The miracle of its economic growth can be seen in some economic indexes. For example, in 1961, per capita GNP was only \$82 and exports amounted to only \$41 million, but in 2006, GNP had increased to \$19,392 and exports to \$325,464,000,000 (OPRK, 2000; Kwon, 1993, 30; Korean Statistical Information Service, <http://www.kosis.kr>). Even more surprising is the political development in Korea. The transformation from a military to a civilian government in 1987 meant the beginning of democracy, and there have since been five democratic elections for the presidency. During the elections, Korea has experienced two peaceful changeovers of political power where an opposition party has become the ruling party. Using Przeworski's definition that "democratization is an act of subjecting

(see chapter 3.4). In particular, Korean social welfare has been strengthened under the motto “the Harmonious Development of Democracy and Market” of Kim Dae Jung’s Government (1997-2002). Since the welfare reforms were implemented, debates about the characteristics of the Korean welfare state have been raised. In these debates, some scholars claim that Korea has a liberal welfare regime like Britain’s². Thus, there is a convergence on welfarism between ‘the social investment state’, based on Britain’s ‘The Third Way’ (Giddens, 1998), and ‘The Productive Welfare’, based on ‘the Harmonious Development of Democracy and Market’ in Korea (OPRK, 2000).

The mining industries in Britain and Korea were very different in their initial stages, but since the Second World War they have become more similar since Korea has very quickly undergone industrialization and modernization by using coal fuel. In other words, both countries’ mining industries have followed the same course of development, although there are differences in scale and period. Furthermore, there are many similarities in the enactment and implementation of the relevant schemes. For example, the Industrial Injuries Act, the social insurance scheme, was introduced in Britain in 1946, the same year Industrial Accident Compensation Insurance was enacted in Korea. Also, there was a gap of just 10 years’ between Coal workers Pneumoconiosis Scheme 1974 and Act on the Prevention of Pneumoconiosis and Protection etc. of Pneumoconiosis Workers 1984 which are special measures for ex-miners with CWP.

The justification for a comparative social policy study lies in the

all interests to competition, of institutionalizing uncertainty” (1991: 14), Korea has achieved procedural democracy consolidation in just 20 years.

² It has been also asserted that the Korean welfare regime is a conservative welfare regime like the style of Continental Europe (Nam, 2002), a mixture of the two regimes between the conservative and the liberal (Kim, Y.M., 2002; Kim, M.S., 2002), or the East Asian Welfare Model (Jones 1993; Holliday, 2000; Goodman and Peng 1996). By and large, however, opinion seems to have converged that, since the 1997 financial crisis in Korea, it is heading into the category of liberal welfare regime little by little.

differences as much as the similarities between the two countries. First of all, it is indicated that there have been fundamental differences in ideology, welfare politics and welfare institutions despite the convergence of welfare philosophies and policies currently taking place. For instance, although Britain tends to follow the market-oriented Anglo-Saxon model, the British welfare system can still be characterized as relatively institutional compared with the Korean one. This is closely related to legacies of social welfare. There has been a comprehensive welfare system in Britain since it was implemented under the Labour Government in 1945, despite a series of efforts towards welfare retrenchment under the Governments of Thatcher and Blair which have tended towards a neo-liberal welfare system, so-called 'welfare to work'. Pierson (1994) explains that welfare retrenchment has proceeded very slowly despite active and direct attacks on social programmes by these Governments due to the strong resistance of welfare states' own constituencies.

Korea, on the other hand, through demonstration and industrialization has introduced welfare institutions in a piecemeal fashion and, as a result, reached the point at which it could be called a welfare state in the late 1990s. Nevertheless, there is no doubt that Korea remains in a limited residual situation. For example, social insurance programmes have not benefited a significant percentage of the population and the public old-age pension programme only covered about 40 percent of the working population as recently as the late 1990s. In addition, only about 27 percent of the working population have benefitted from employment insurance since 1995 (Woo, 2004: 1). The fundamental problem is that policy aims have not changed from those of a developing state: "The objective of pursuing economic growth at all costs, which first emerged during the period of authoritarian industrialization, remains solidly in place" (Hong and Song, 2006: 263).

Table 1-1 Trade Union Density in Korea and Britain

Year	Korea			Britain		
Unions	Unions	Members	Density (%)	Unions	Members	Density (%)
1965	362	301,922		629	10,325,000	49
1970	419	473,259		538	11,179,000	52
1975	488	750,235		501	12,193,000	53
1980	2,618	948,134	21	438	12,947,000	44
1985	2,534	1,004,398	16.9	409	10,774,000	39

Sources: Pelling (1987: 318-324) and Booth (1995); Korean Labor Institute (*Labor Statistics*), each year

In addition, the two countries have been in very different situations in relation to welfare politics. The power resources theory has proved that the development of a welfare state depends on the roles of trade unions and left-wing political parties (Gough, 1979; Korpi, 1978; Esping-Andersen, 1990; Rothstein, 1990). The position and role of trade unions in the two countries were very different until the 1970s, and remain different. The power of trade unions in the two countries can be calculated by the density and type of these organizations. In the 1970s, the trade union density in Britain was about 50% and was about 15% in Korea (refer to Table 1-1). In 1974, there were 11,755,000 union members in 491 unions in Britain, and 656,000 union members in 3,352 trade unions in Korea. The reason why the union density of Korea is low, despite having more unions than Britain, is that the trade unions have been organized based on an industrial unit in Britain but on an enterprise unit in Korea³. From this point of view, it can easily be inferred that the Korean labour movement, based on an enterprise bargaining system and

³ Enterprise unions which confine their members to workers in their companies are a dominant type of organization in Japan and Korea. This type has identified as “an arrangement suitable for building an employer-led cooperative industrial relations system” (Bae and Cho, 2004: 148). On the other hand, the type of industrial unions is based on ‘one union for one industry’ and accordingly is advantageous to organize workers beyond enterprises. In this context, industrial unions rather than enterprise unions tend to be more effective for class solidarity and organizational unity.

enterprise unions, has suffered problems of organization fragmentation and a lack of influence on social policy and politics.

Regarding the influence of trade unions on political parties, trade unions have had close organizational and financial links with the Labour Party in Britain since the Labour Party was formed in 1900, mainly under the leadership of the trade unions. Many members of trade unions were affiliated to the Labour Party and trade unions provided most of the funds for the management of the Labour Party. In addition, trade unions could intervene in the policy-making bodies⁴ of the Labour Party. Trade unions have a great influence at Labour's annual conference by virtue of their block vote and they also enjoy rights at Labour's National Executive Committee. Furthermore, of the 393 Labour Members of Parliament elected in 1945, 120 were sponsored by trade unions, with 29 of these being appointed to ministerial posts, six of these in the Cabinet itself. Bevin's successor at the Ministry of Labour was George Isaacs, a former trade union leader (Pelling, 1963: 221-2; Dorey, 1995: 17-18).

Conversely, there was no progressive political party in Korea until 1997. This is because no progressive group could exist in the political situation of anti-communist and authoritarian regimes after the Korean War (1950-1953) and there were no social groups, such as trade unions, to support a progressive political party. Instead, trade unions played the role of an advanced guard for the authoritarian government in factories. In other words, they armed themselves with the ideologies of anti-communism and 'high growth of Korean economy first' and managed workers for the sake of the Government and employers. After democratization in 1987, a progressive party named 'Kuminseongry 21'

⁴ There are three major institutions in the Labour Party, the Party Conference, the National Executive Committee and the Parliamentary Labour Party. "Conference delegates may claim to represent the memberships of their organizations, the NEC to represent the Conference delegates and, via them, the members of the party, and Labour Members of Parliament to represent the voters" (Kavanagh, 1996: 156-157).

(‘People’s Victory 21’ in English) was created in 1997 without the support of trade unions. The party changed its name to the ‘Democratic Labour Party’ in 2000 attracting support from some progressive trade unions, but it currently has just five legislators out of 299 and has an approval rating of 5%.

As has been shown in this section, the similarities and differences between Britain and Korea in the areas of social policy and welfare politics provide a strong motivation for using a comparative social policy study in this thesis. This thesis will try to examine both aspects but more attention will be paid to the differences because they will guide us to an understanding of the development and characteristics of the welfare states in Britain and Korea and, what is more, will give an insight into the reforms of the Korean welfare state.

2. Significance of CWP in Social Policy and Welfare Politics

Pneumoconiosis is an occupational disease defined as: “the accumulation of dust in the lungs and the tissue reactions to its presence.”⁵ It covers various respiratory disorders caused by many kinds of dust, such as coal

⁵ The definition of pneumoconiosis was adopted at the Fourth International Conference on Pneumoconiosis held by the International Labour Organization in 1971. On the other hand, the expression pneumoconiosis, from the Greek *pneuma* (air, wind) and *konis* (dust), was coined in Germany by Zenker in 1867 to denote changes in the lungs caused by the retention of inhaled dust (Safety Line Institute, 2007: 2). The symptoms are: “This impaired physical capacity, reduced the ability of miners to perform their arduous labour, as well as many other physical activities, such as walking. In the most serious cases, death resulted from lung failure, or cardiac failure as the impaired capacity put pressure on the heart” (McIvor and Johnston, 2007: 53).

dust, asbestos dust, silica dust etc.⁶ The object of study of this thesis is CWP which is a kind of pneumoconiosis⁷ caused by inhaling coal mine dust.

It is interesting that discovery and acceptance of CWP as a prescribed work-related disease in relevant laws has taken a long time, although its existence has been recognized since at least the early nineteenth century. It was not until recent times that CWP was inscribed into law as an occupational disease, this occurred in 1943 in Britain and as late as 1963 in Korea (see Chapter 3-3). The discovery and recognition were not objectively realized with the acquisition of medical knowledge and rational discussion. Rather, they tended to be a product of political struggles and compromises among the relevant actors, namely the Government, employers, workers, and experts.

In addition CWP tends to be identified as a historical disease which has already been eradicated because most mines in Britain and Korea were closed 2-30 years ago. But CWP is still at the centre of occupational diseases. For example, there were 1,085 new patients with CWP and about 200 deaths from CWP in Britain in 2004 (HSE, 2007; ONS, 2005) and 5,239 new patients and over 300 deaths in Korea in the same year (Korea Workers' Compensation & Welfare Service, 2005). CWP is still a noteworthy industrial disease with a high incidence and mortality although it is not the most controversial industrial disease.

In order to understand the characteristics of CWP, it is necessary to understand why it occurs so broadly in mining industry. The medical explanation of the cause is the deposition of coal dust and formation of

⁶ According to the kinds of dust, there are many kinds of pneumoconiosis including CWP from coal dust: For instance, there are silicosis from silica dust, asbestosis from asbestos dust, byssinosis from cotton dust, siderosis from iron dust etc.

⁷ There are different names for CWP, miners' lung, black lung, 'black spit', 'miners' asthma', silicosis, pneumonoultramicroscopicsilicovolcanoconiosis etc. according to countries, times and parts (Kerr, 1980: 50-51; McIvor and Johnston, 2007: 2). This thesis mainly uses CWP because it clearly indicates who are sufferers and what is the disease.

fibrous nodules in the lungs. Although this medical perspective offers clinical knowledge, it fails to understand the political and social context surrounding this disease. It is widely accepted that “occupational diseases are different from other diseases, not biologically but socially. They are the result of working conditions and therefore affect the labouring classes” (Sigerist, 1943: iv). The working conditions in mines are responsible because CWP is closely related to dust from extremely bad working conditions. Generally, working in coal mining has been recognized as one of the most dangerous trades or occupations (Arnot, 1953: 23; McIvor and Johnston, 2007: 41). From the early 1900s there were an average of between 1,000 and 1,500 deaths each year in pits. This means that on average four miners were killed every day in British coalfields (Arnot, 1953: 23; Anderson, 1982: 58). This trend continued until the 1950s. In 1955, 408 mineworkers were killed at work in Britain and roughly one in every three workers had an accident of some kind involving at least three days off work and the number of fatal accidents averaged more than one a day (Allen, 1981: 92). In the same context, mineworkers had been directly exposed to dust for a long time:

At work coal miners are covered with dust. It's in their hair, their clothes, and their skin. It gets between their teeth and they swallow it. They suck so much of it into their lungs that until they die they never stop spitting up coal dust. Some cough so hard they wonder if they have any lungs left (Kerr, 1980: 50).

As a result the rate of fatalities from CWP was very high; between 1951 and 1971 more than 17,000 miners and examiners died from pneumoconiosis in Britain (Kerr, 1980: 94), and in 1955 nearly 5,000 new compensation awards were granted for this disease (Kerr, 1980: 53).

Who takes the responsibility for the bad workplaces and the occupational disease? “The prevention of occupational diseases is the collective responsibility of society, and all measures available – technical,

medical, and social – must be applied to promote and protect the health of those who through their labour create the nation's goods” (Sigerist, 1943: x). From this point of view, the Government, trade unions and employers should share the blame for CWP. In general, the Government's economic policy and the employers' business strategies had placed an emphasis on increasing productivity rather than workers' health and safety. Therefore, CWP needs to be contextualised “within the profit-oriented and productionist managerial culture of coal mining in the private and public ownership eras” (McIvor and Johnston, 2007: 309). In addition, the then industrial relations tended to be neglectful of occupational safety and diseases. In particular, trade unionists do not seem to be free of this responsibility because, compared with their wide range of interests concerning wages and workers' welfare, it is not until recently that they have become earnestly interested in occupational health (Dwyer, 1991; Beaumont, 1983).

As has been shown above, the excessive incidences of CWP could allow it to be considered a ‘man-made social disease’. Therefore, the origins of CWP must be examined from a social and political perspective as well as a medical perspective. In this respect, it is right that this thesis should focus on welfare politics around the struggles for recognition and compensation for CWP.

On the other hand, it is impossible to consider CWP separately from people who worked in the mines. Although in the past these workers were called ‘industrial soldiers’, at present they exist as the ‘injured people’. It is worthy of note that these people are facing many difficulties. Firstly, most of them are older people. Ex-miners with CWP are almost all aged over 65 because most mines in the two countries were closed between the 1960s and the 1980s. They can also be classified as being disabled because they are afflicted with a respiratory disease and old age tends to make them more susceptible to illness. In addition, they are likely

to be living in poverty. This is inferred from the fact that mineworkers have historically come from underprivileged social and economic backgrounds and made a poor living due to low wages, and thus it is expected that they will still be poor people. Due to these complex characteristics, the sufferers require a mixture of social policies for the elderly, the disabled, the poor, the occupationally injured etc.

The CWP-related institutions and politics are quite well established and developed because of the long history of the disease, the large number of sufferers of CWP, and the fact that CWP has been discussed in the political arena and in social policy. Furthermore, as will be shown in Chapter 3-2, the most crucial reason is the role of the miners' organizations; the trade unions in the mining industry were the biggest trade unions, and so CWP has become a one of the biggest issues in the area of occupational diseases. Thus, the existence and role of strong trade unions will provide a good clue to understand welfare politics and the development of the institutions concerned.

To conclude, ex-miners with CWP offer complex contradictions and provide a good clue to understanding welfare politics and class politics as well as welfare institutions in this context of relatively strong trade unions and well-established institutions.

3. Study Object and Research Question

Object of Study

As has been discussed above, the object of study of this thesis is a chronic occupational disease affecting coal miners named CWP. More

specifically, this thesis will look at the welfare politics surrounding the formation, development and changes of compensation institutions concerning CWP in Britain and Korea. The cases examined in this thesis are the National Insurance (Industrial Injuries) Act in 1946 (hereafter IIA), the Coal Workers' Pneumoconiosis Scheme in 1974 (hereafter CWPS), the Industrial Accident Compensation Insurance in 1964 (hereafter IACI) and the Act on the Prevention of Pneumoconiosis and Protection, Etc., of Pneumoconiosis Workers in 1984 (hereafter APPPPW). The first two are British schemes while the others are Korean (refer to Table 1-2).

Table 1- 2 Compensation Institutions of CWP in Britain and Korea

	Britain	Korea
Origin of Institution	the National Insurance (Industrial Injuries) Act in 1946	the Industrial Accident Compensation Insurance in 1964
Current Institution	the National Insurance (Industrial Injuries) Act + the Coal Workers' Pneumoconiosis Scheme in 1974	the Industrial Accident Compensation Insurance in 1964 + the Act on the Prevention of Pneumoconiosis and Protection, Etc., of Pneumoconiosis Workers in 1984

The IIA⁸ in Britain and the IACI in Korea are regarded as institutions of path-shaping rather than path-dependence because they were newly established following the principle of national insurance. The British Labour Government introduced the IIA as a part of the establishment of a social security system in 1946. Under the IIA, pneumoconiosis became an

⁸ The IIA was incorporated into National Insurance (hereafter NI) in 1992 and accordingly replaced by the Industrial Injuries Scheme (hereafter IIS).

object of state provisions of benefits. In Korea, the IACI, equivalent to the IIA in Britain, was introduced in 1965 by the authoritarian Government. The national insurance is based on a principle of 'no-fault liability' and provides benefits for CWP mainly from payments from employers.

While the benefits of the IIA are provided by the Government, the CWPS is provided by employers in mining industry. The CWPS was introduced through compromise between labour and management in order to make up for compensation which would be awarded to miners through litigation. On the other hand, the APPPPW which contains special benefits for ex-miners with pneumoconiosis is a special law for compensation of CWP. It supplements the IACI with medical treatment as well as some consolation benefits. In terms of benefits, the law is similar to the IIS plus CWPS in Britain (refer to Chapters 3 and 4).

To summarise, this thesis examines welfare politics around and the contents of these schemes, that is, the formation, operation and process of changes focusing on the political relations of the relevant actors and the contents of these schemes themselves for pneumoconiosis sufferers in Britain and Korea. In addition, a comparative study of these institutions and the welfare politics around these institutions will lead to a more complete understanding of the characteristics of welfare politics in the two countries.

Research Question

Research questions most often come from real-world observations, dilemmas and problems (Marshall and Rossman, 1989: 28). In Korea, most of the ex-miners with CWP had worked in the mining industry for a long time since they started work in the 1950s or 1960s, and they had

experienced extremely poor working conditions, high labour intensity, low wages and an impoverished life. These conditions make CWP one of most representative industrial diseases. In fact, CWP made up 76.7% of all occupational disease patients of Korean workers in 1988 (Won, 1996: 17). Ex-mineworkers with CWP suffer a lot of difficulties including economic poverty; various kinds of diseases, including complications related to CWP; and disabilities caused by their hard work, old age and psychological uneasiness. In addition, they have come to distrust the Government, the relevant schemes and even their own representative body, the Association of Pneumoconiosis Patients (hereafter APP). British ex-miners with CWP, however, do not face economic difficulties at present and do not tend to distrust the Government or their representative body, the National Union of Mineworkers (hereafter NUM). From these two different real world situations, the questions for research in this thesis will be constructed to examine why welfare institutions for ex-miners with CWP in Korea are residual, why Korean ex-miners distrust the CWP-related policies and institutions of the Government while British ex-miners with CWP are relatively trusting of the relevant institutions, and why the British Government and welfare system has been so comprehensive for pneumoconiosis patients.

The argument of this thesis is that differences in welfare politics are the answer to these questions, because the distrust of ex-miners with CWP and the vulnerability of Korean welfare institutions are supposedly caused by the deficiency of welfare politics. Thus, the main objective of this paper is mainly to examine the welfare politics around CWP in Britain and Korea (see Chapter 4 and 5).

From this point of view, the main research questions are: “Where do the institutional and political differences around CWP between Britain and Korea originate?” The specific research questions are drawn from the general questions: “How have welfare institutions for CWP been formed

and developed in Britain and Korea?"; "How does compensation politics for ex-miners with CWP make institutions for compensation between Britain and Korea differ?"; "What are the dominant factors to determine different welfare institutions and welfare politics?"

Structure of this Thesis

The subjects and questions of this thesis will be examined and discussed in each chapter. Chapter 1 has outlined the research question, focusing on CWP and its implications in a comparative social policy study.

The theoretical perspectives and methodology will be handled in Chapter 2. Firstly, there will be an examination of existing comparative studies between Korea and Britain, the welfare state regimes in Korea and Britain and the role of trade unions in the politics of CWP. Secondly, the historical-institutional approach and the power resources theory will be investigated and, based on these theories, the determinants of welfare politics will be presented. Finally, this chapter will also handle subjects related to methodology, focusing on data collection, data analysis and ethical considerations.

The schemes and welfare politics around CWP in Britain and Korea are discussed in Chapter 3 to Chapter 5. These will present general information and the backgrounds of welfare politics in Britain and Korea (Chapter 3) and then examine the welfare politics of the actors concerned (Chapter 4 and 5).

In detail, Chapter 3 will contain examinations of the mining industry and working conditions in Britain and Korea, trade unions and their compensation politics, the processes of recognition of CWP and the social policy for CWP. Chapters 4 and 5 will examine compensation politics for patients in Britain and Korea and will each be divided into

three parts. The first part of each of these chapters will analyse the process behind the development of industrial injuries compensation for CWP. The second part of each of these chapters will examine the compensation politics contained in IIA in Britain and IACI in Korea. The third part of each of these chapters will describe the introduction of and turbulence caused by the special laws concerning pneumoconiosis, APPPPW in Korea and CWP-related schemes in Britain focusing specifically on the CWPS.

Finally, Chapter 6 will contain a summary focusing on the similarities and differences between the two countries and present a discussion of the findings and implications.

CHAPTER 2. THEORY AND METHODOLOGY

1. Previous Studies

CWP and Trade Unions in Britain and Korea

With regard to the previous studies of CWP in Britain and Korea, the following subjects will be examined: first, occupational health and safety focusing on CWP; second, the role of trade unions around CWP; third, the introduction of schemes related to CWP, CWPS in Britain and APPPPW in Korea.

Study in Britain

There are many studies about British coal mining⁹. However, the literature rarely deals with industrial injuries as a topic, or, if so, only in a very limited scope. Despite comprehensive studies of coal mining and miners' organizations, typical examples that never touch on occupational disease are books written by Arnot (1953; 1961) and Cole (1923) which are regarded as classics in this area. Taylor's ambitious two books (2003; 2005) which examine the politics of the NUM from 1945 to 1995 are also in line with this trend. Without mention of miners' health and safety, his books illuminate the activities of NUM in the areas of energy, state capitalism, industrial restructuring, miners' solidarity etc. This trend has

⁹ The representative works are from Church (1986), Supple (1987) and Ashworth (1986) which stand out as high-calibre examples of work taking in the wide chronological sweep of the industry from early industrialization to decline (McIvor and Johnston, 2007: 23).

been followed in most works which handle industrial relations in the coal industry (refer to McCormik, 1979; Scott, 1963; Richards, 1996).

However, there is some literature which covers occupational health and diseases, especially CWP, as can be seen in Allen (1981), Francis and Smith (1980), Bryan (1975) and McIvor and Johnston (2007). Of this literature, McIvor and Johnston's book (2007), *Miners' Lung: A History of Dust Disease in British Coal Mining*, is second to none in the area of CWP-related studies. The book handles miners' respiratory diseases such as bronchitis and emphysema, and CWP is a main subject in this book. Thematically, the book focuses on advancing medical knowledge, the industrial politics of respiratory disease and the personal experiences of the miners of CWP.¹⁰

There have been controversial debates over the involvement of miners' trade unions with occupational health and safety. The negative position argues that the role of trade unions on health and safety is marginal. In other words, "trade unions in the UK marginalised health and safety for the sake of increased wages, and that they failed as a countervailing force" (McIvor and Johnston, 2007: 24).¹¹ However, there have also been positive assessments of the role of trade unions regarding occupational health and safety (Eva and Oswald, 1981; Tweedale, 1999; Melling and Bufton, 2005; McIvor and Johnston, 2007). For example, Bloor (2000) and Melling and Bufton (2005) have suggested that the negative role of trade unions in occupational health should be re-examined and Eva and Oswald (1981) asserts that trade unions have tried to advance health and safety for workers and shows that trade union

¹⁰ With regard to contents for CWP, there are four sections in this book: Firstly, miners' work as a context and background to CWP; secondly, medical information about CWP; thirdly, activities and roles of relevant actors in the industrial politics around CWP; and fourthly, investigation of the problems of CWP through testimonies of miners and ex-miners with CWP. Undoubtedly this book, as the authors claim, contributes to industrial relations and labour history, medical history, disability studies and oral history.

¹¹ This position can be found in Bartrip, 2002; Melling, 2003; Tweedale, 1999, Dwyer, 1991.

activity on health and safety takes place at two levels: in the workplace and through parliament. In this context, McIvor and Johnston (2007) maintain that trade unions emerge as proactive and progressive in their occupational health strategies: “We have argued here that the miners’ unions were active ... in protecting the interests of their members” (313, 314).

Compared with the many studies on industrial injury and the role of the trade unions, it seems very strange that, with regard to CWPS 1974 and its policy-making process, there are just a few papers. In fact, most books never handle this subject. Although McIvor and Johnston (2007), who contribute to the history and implications of CWP, deal with CWPS 1974, the number of pages discussing this scheme are just 4 (226-229), while Bryan (1975) and Allen (1981) spare just 2 pages each (128-129; 291-292). Therefore, the processes of policy-making for CWPS 1974 can only be discovered from primary documents from the Government, trade unions, or employers.

The reasons why there are just a few studies about the policy-making on this topic can be inferred from the following facts: CWP as an occupational disease rather than wage and welfare for miners has not been observed by trade unions; and the documents relating to the introduction of CWPS 1974 have only recently been released, around 2006.

Study in Korea

Comparing with the relatively large amount of discussion in Britain, there are very few studies about mining in Korea (refer to Nam, 1991; Yoo and Won, 1991; Yoo et al. 2001; Hong, 2002; SJC, 2001). What is worse, most these studies have ignored CWP, although they have paid attention

to the working conditions of mineworkers, factual situations in mining towns and the mining industry etc.

Studies about CWP were at first limited to researchers in industrial medicine, and have only recently been conducted by social scientists. Of these studies, *the Forgotten Mine Workers and their Realities* by Won (1996) is probably the first comprehensive study on ex-miners with CWP, as can be seen in the sub-title: 'the Report on the factual situation of ex-miners with CWP and the sponsored programmes'. This study links to further research on the actual conditions faced by ex-miners with CWP which was led by Won, *2001 Report on Patients with CWP in Taebak Region* (ASWT, 2001).

While this report discovers the difficult lives of ex-miners with CWP in terms of economic aspects and social welfare, the study by Yoo et al. (2001), *A Study on Developing Rehabilitation Programmes for Pneumoconiosis Workers: Medical Treatment and Poverty Alleviation*, is an effort to suggest an alternative for sufferers. As can be seen in the sub-title of the book, this study tries to search for measures for ex-miners with CWP in terms of social welfare as well as industrial injuries schemes. In addition, Jung's paper (2001), *The History of Pneumoconiosis*, very briefly summarizes the history of pneumoconiosis in Korea in the context of Korean occupational health and safety.

There is no exaggeration to say that there is very little research about the role of trade unions concerning CWP. It can be assessed that this academic situation reflects the political reality that the Miners' union, the Federation of Korean Coal Workers' Trade Union (FKCWTU), was created by the authoritarian Government and has not represented the interests of miners. Therefore, apart from the FKCWTU, many are reluctant to maintain the positive role of the miners' organization in terms of miners with CWP.

Similarly, there are only several papers examining the introduction of APPPPW. Besides Kim who examines the policy-making process in relative depth (1986: 225-234), most papers just touch on the welfare politics around the introduction of APPPPW 1984 (see Kim, 1988; Jung, 2001; Cho, 1991). This reflects the Government-led enactment and the fact that academia is quite indifferent to the issue.

Studies on Comparative Social Policy between Britain and Korea

There are few comparative studies on the relationship between Britain and Korea in the area of social policy. This means that neither Korean scholars and researchers or British ones have been interested in a comparative study into both countries.

In Britain, it is not unnatural that there is not much motivation to explore Korea's social policy. The first reason for this may be due to its lack of proximity and the fact there is little historical relationship between the two countries. The second reason may be the image and position of Korea in the world. The image of the East accorded by the West has been as uncivilized or mysterious according to Said's *Orientalism* (1978). In this context, Korea has been regarded as an underdeveloped country with little attraction especially compared to China and Japan. These reasons lead to little study about Korea.

However, the interest in Korea has increased in Britain since around the 1990s. British politicians and scholars have looked at East Asian states focusing on their characteristics of rapid economic growth and low expenses of social welfare. Above all, British political parties have been interested in the East Asian states in terms of lessons which could be learnt. In general terms, the Labour Party concentrates on the role of government in bringing rapid economic growth with social

cohesion and raising popular welfare standards while the Conservative Party is, by contrast, more interested in a society of based on market competition with a spirit of individual self-reliance social welfare based on familialism (White and Goodman, 1998: 4). However, the East Asian economic crisis in the late 1990s reduced their interest in these countries.

While the interest of British politicians in East Asia comes from an instrumental perspective, the motivation of western scholars, including British ones, stems from intellectual curiosity, or academism. There has been a relatively large number of articles about the East Asian Welfare Model and relevant papers have been published recently (Gough, 2004; White and Goodman, 1998; Esping-Andersen, 1999). These works have examined areas such as the inherent features of East Asian Welfare Model, differences between the West and the East, positions of welfare state regime etc. and the motivation for study seems to be in academic findings: “While East Asian welfare experience is interesting in and of itself, it is of limited substantive relevance to the West and cannot be regarded as a model for emulation, despite its superficial attractiveness” (White and Goodman, 1998: 20). This attitude seems to be different from that of East Asia which tries to learn lessons from the West.

As has been shown in the above description, the West has had limited interest in Korea. Primarily, its focus is not so much on Korea itself as in East Asia, and even this interest has been limited and very temporary. Furthermore, even when they are interested in individual states, the main objects are usually China or Japan; Korea is located at the edge in terms of object of studies. In addition, there are few comparative studies between East Asian states and the West and there are also not many plans for comparative studies between Korea and Britain which proceed beyond the initial stage and the scholars of the West have not made much progress in comparative studies with East Asian states.

From a Korean perspective, Britain has not been recognized as a role model for social policy. Korean welfare institutions tend to be introduced referring to two cases: the German model, which was introduced through Japan, and the American Model. In the initial phase of introduction of welfare institutions, Japanese welfare schemes were main objects of reference but the model gradually changed from Japan to America through the 1980s. This is because the Korean governments based on the ideology of anti-communism are traditionally pro-American in their characteristics and most of the political elite in Korea have studied in America.

Nevertheless, the Korean Government and social scientists have conducted some research into the British welfare system for a long time, because Britain is identified as one of the founders of the welfare state. For this reason, university departments in Korea related to social welfare have adopted subjects such as ‘the development of the welfare state in Britain’ or ‘British social policy’ in their curricula, and writings in relation to British welfare system have been translated in Korean.¹² This shows that there have been continued studies into British social policy in Korea. The Korean Government has also traced the British social policy and welfare system. For example, the Department of Welfare and Health translated *Social Insurance and Allied Services* (1942), known as *the Beveridge Report*, into Korean in 1965, the Korean Government and institutes run by the Government have analysed the British welfare system and introduced aspects from it.¹³

In particular, Korea has been much concerned with the Anglo-Saxon model since globalization and neo-liberalism. As a result, many books in this area have been translated into Korean. In addition, the most

¹² For example: Gough, 1979, Schweinitz, 1975, Kathleen Jones, 2000.

¹³ As government-funded think tanks, The Korea Labor Institute and the Korea Institute for Health and Social Affairs, which are responsible for social insurance, have reported on British social policies.

recent changes and trends in Britain have been followed as can be seen in the translation of '*The Third Way: the Renewal of Social Democracy*' and '*The Third Way and its Critics*' (Giddens, 1988; 2000). In this context, the Government and academia in Korea have studied the stream and content of social policy in Britain. They have assessed 'the Third Way' and its programmes for social welfare, identified as 'welfare to work' or 'social investment state', and tried to categorize Korea's social reforms as being part of the the Third Way (Kim et al., 2006; Cho, 2004; Kim, 2007; OPRK, 2000).

While the above studies have simply introduced or examined British institutions, some recent studies have conducted comparative social policy studies between Britain and Korea (Oh, 2003; Park, 2004; Kim and Ross, 2008)¹⁴, but more analytical studies have not yet appeared.

Welfare State Regime of Britain and Korea

In Britain, there are two distinct periods with regard to the formation of the welfare state¹⁵ : before and after Thatcher's Government. The consensus is that the pre-Thatcher period is characterized as institutional, from Wilensky and Lebeaux's definition, while the post-Thatcher period

¹⁴ Oh (2003) examines the poverty policy of the past in the two states. The policy in Korea was, he discovers, based on Confucianism and was established for the protection of royal authority while the policy in Britain was based on liberalism and deprived people of civil rights in return for their support. Park (2004) explores social policy in globalization in Korea, Britain and Sweden. He compares the development of social welfare in Korea with the retrenchment in Britain under the period of globalization. Matthews and Jung (2006) examine the health systems in Korea and Britain. According to their findings, there is a convergence in the financing and health care delivery systems between Britain and Korea. Kim and Ross (2008) explore the barriers to service user involvement inherent in a Korean context and searches for lessons from the British experience in the areas of the right to assessment within a care management structure, the setting of quality care standards and inspection processes and a complaints procedure.

¹⁵ Esping-Andersen defines the welfare regime as "the combined, interdependent way in which welfare is produced and allocated between state, market, and family"(1999: 34-35).

is identified as a liberal welfare regime according to the Esping-Andersen classification.¹⁶ On the other hand, Korea's social welfare system tends to be classified as the East Asian Welfare Model which is characterized as residual in terms of Wilensky and Lebeaux, or liberal welfare regime using the Esping-Andersen's classification.

Change of Welfare State Regime in Britain: from Institutional to Liberal

The classification of the British welfare state still seems to be a controversial issue. Even Esping-Andersen who classifies Britain as a liberal welfare regime confesses that Britain, along with the Netherlands, fits poorly into all three welfare state regimes defined because of a kind of 'mutation' (Esping-Andersen, 1999: 86-87). However, there is an agreement that Britain belonged to 'an institutional welfare state' before the advent of Thatcher's Government in 1979. Esping-Andersen points out:

Had we made our comparisons in the immediate post-war decades, we would almost certainly have put Britain and Scandinavia in the same cluster: both were built on universal, flat-rate benefit programmes, national health care, and a vocal political commitment to full employment (1999: 87).

¹⁶ By and large, these are the two classifications which are most prevalent. According to the classification drawn from Wilensky and Lebeaux (1965: 138-140), there are two ideal types of welfare state as follows: 'the residual', based on the principles of economic individualism and free enterprise, and 'the institutional', based on the notions of security, equality and humanitarianism. Also, the model of Esping-Andersen has been accepted in academic areas. He maintains that based on the two principal analytical axis, degree of decommmodification and modes of stratification, there are three regimes, or three worlds: 'social democratic' (basically the Nordic countries), 'conservative' (Continental Europe), and 'liberal' (the Anglo-Saxon nations). On the other hand, there are many problems to overcome or expand these categories and some scholars suggest complementing Esping-Andersen's model by adding a fourth world besides the three worlds.

This perspective has been widely verified by scholars. For example, Mishra (1981: 100-105) identifies Britain as a typical state which has transformed from the residual to the institutional in a capitalist society. He strongly asserts that the British social welfare has shifted towards statutory welfare, or universal welfare, in the areas of income security, medical care, education and housing based on comparison of welfare systems between 1860 and 1974. In particular, he views the National Health Service as a special institution due to the fact that it is operated for everyone and by taxation.¹⁷

However, the perspective of the British welfare state regime was radically changed by Thatcher's Government in what has been described as: "a clear-cut case of typologies being undone by historical change" (Esping-Andersen, 1999: 77). In other words, it is now widely acknowledged that Britain is now a typical example of the Anglo-Saxon model, categorized along with America as a typical liberal welfare regime (Esping-Andersen, 1990).¹⁸

The current Labour Government seems to have continued with some liberal policies. Taylor-Gooby and Larsen examined the Labour

¹⁷ In this context, Briggs (1961), Sleeman (1973) and Titmuss (2000) define Britain as an institutional welfare state based on the three principles of a guarantee of minimum standards including a minimum income, social protection in the event of insecurity and the provision of services at the best level possible or in terms of provision of universal services of NHS, education, national insurance and family allowance before 1970s. Allsop (1995) sees Britain as 'the institutional-redistributive model' until 1980s focusing on the NHS. Pierson follows the same line that "by the mid-1970s Britain had developed a midsize welfare state with a mix of fairly modest income transfer programs and relatively extensive and interventionist policies in health care and housing" (1996: 159-161). Lowe also defines Britain in the period, 1945-1976, as the 'classic' welfare state which "sought in a particularly active and 'comprehensive way to promote individual welfare" (1994: 41).

¹⁸ It is of course true that there are different opinions on classifying the British welfare model. Castles and Mitchell (1992) suggest that Australia and Britain which are classified as liberal welfare regimes by Esping-Anderson should be located in a different position to America. Lister (2004) and Walker (2005) puts the 'social investment state' of Britain in a hybrid form of welfare regime in terms of mix of liberal/neo-liberal and social democratic factors. These different opinions of Britain seem to be due to the hybrid characteristics of Britain from the legacies of institutional welfare state in the post-war period.

Government's welfare state based on social investment state and reached the conclusion that Britain is a "genuinely liberal welfare state" in the fact "that welfare supports rather than obstructs the operation of a market system" and "the needs of citizens are effectively met" (2004: 63).

There has, without doubt, been a break away from the image of the institutional welfare state in Britain since the 1970s, and the new image of a liberal welfare regime now seems fixed. This change of image can be explained by two facts: firstly, there have been changes for the worse, on welfare retrenchment; secondly, other states have developed relatively faster than Britain since the 1970s, or, in other words, the development of social welfare in Britain has lagged behind that of other countries. With regard to retrenchment, in Britain, sickness and maternity benefits were transferred to employers, council housing was sold off, the earnings-related pension was 'privatized' through opting-out, and both private pensions and health insurance have been nurtured via tax subsidies. However, deterioration in social welfare has not occurred quickly because welfare retrenchment has not been welcomed (Pierson, 1994; 1996). Thus, more responsibility for the change in the British image should be put on relative advancement in social welfare of other states. Britain has failed to follow policies to lead towards its full-employment commitment, such as a guarantee of adequate income replacement, while Nordic countries have moved their welfare systems towards de-commodification with a public second-tier system. Instead, Britain has followed market-friendly policies, such as privatization, deregulation since the 1980s (Pierson, 1994; Esping-Andersen, 1999).

East Asian Welfare Model and Korea: Cultural or State-Centred Approach?

It was not until the late 1990s that the concept of a welfare state regime was discussed in Korea. The momentum for discussion comes from the relatively comprehensive development of a welfare system under Kim Dae Jung's Government (1997-2002). The Korean welfare regime has been discussed from two perspectives: the first is the liberal welfare regime from the three welfare state regimes of Esping-Andersen (1990), and the other is the East Asian Welfare Model or Confucian welfare state. By and large, the former frame is used by Korean scholars while the latter is adopted by Western scholars. However, both these perspectives have the precondition that Korea is subjected to be the residual welfare system in the categorization of Wilensky and Lebeaux.

From Esping-Andersen's point of view about the welfare state regimes, Cho (2001) points out that Korea became a liberal welfare state as a result of the introduction of 'the productive welfare' by Kim's Government. He searches for a basis of justification for high public assistance, for example, the American style of workfare, reduction of state intervention. Nam (2002) insists that Korea has a conservative welfare state rather than a liberal welfare state because of the effects of stratification which have deepened since welfare reform. On the other hand, some scholars maintain that the regime in Korea is a hybrid type with both liberal and conservative characteristics (Kim, Y.M., 2002; Kim, 2001; Walker, 2005). From this point of view, the appearance of welfare institutions resembles a conservative welfare regime while the level of benefits is similar to a liberal welfare regime.

The categorization of East Asian states tends to start with discussion of Japan and gradually comes to include other East Asia states,

identified as the Newly Industrialized Countries¹⁹, Korea, Hong Kong, Singapore, Taiwan etc., which have achieved rapid economic growth. In the eyes of Western scholars, East Asia is a mutation or exception which does not live in any of Esping-Andersen's 'three worlds'. In this context, the categories of Esping-Andersen are criticized as having been constructed only for "a *Western* welfare capitalist typology" and it is asserted that states in East Asia have been recognized as the 'fourth world' (Jones, 1993; Esping-Andersen, 1994; Kwon, 1998; Holliday, 2000). Despite there being much doubt about whether the fourth world really exists, or whether there is homogeneity or similarities between 'the tigers' (Esping-Andersen, 1990; White and Goodman, 1998), the East Asian Welfare Model as an additional regime has to some extent been a topic of academic interest (Holliday, 2000, 2005; Jones, 1990, 1993; Kwon, 1998; Aspalter, 2006). This discussion has identified differences between the East Asian Welfare Model and the three regime types of Esping-Andersen as follows:

Conservative corporatism without (Western-style) worker participation; subsidiarity without the Church; solidarity without equality; laissez-faire without libertarianism: an alternative expression for all this might be 'household economy' welfare states-run in the style of a would-be traditional, Confucian, extended family (Jones, 1990; 1993: 214).

Therefore, it seems generally to be accepted that the East Asian states are no longer situated in one of the three worlds, namely the liberal-conservative-social democratic typology of welfare state regimes. What then, are the decisive factors which make a difference? By and large, two have been suggested: a cultural determinant, Confucianism, and developmental state. Confucianism represents a cultural approach to East

¹⁹ Japan and the Newly Industrialized Countries are categorized as 'tigers', which are separated into a big tiger, Japan, and little tigers, such as Hong Kong, Korea, Singapore, Taiwan. These Newly Industrialized Countries are also called 'dragons'.

Asian states while the developmental state is related to a state-centered approach.

Confucianism is familiar with notions such as hierarchy (respect for seniors), statism (the group before the individual, conflict avoidance, loyalty), dutifulness (filial piety, paternal benevolence), striving for learning, entrepreneurship, meritocracy etc. Due to these characteristics of Confucianism, the state can be exempted from its welfare responsibilities because the family has replaced the state in the provision of social welfare. In this context, the Confucian welfare state is often characterized as ‘the principles of familial responsibility and obligation’ (Jones, 1990, 1993; Goodman and Peng, 1996). In this context, scholars assert that a new category, ‘the Confucian welfare state’, should be added to the list of welfare state regimes (Jones, 1993; Hong, 1999; Rieger and Leibfried, 2003).

The state-centred approach, on the other hand, focuses on the features of the East Asian states which have been identified as being a ‘developmental state’. The introduction and growth of social welfare by the developmental state is “driven primarily by the requirements and outcomes of economic development policy” (Deyo, 1992: 289-90). In this context, ‘the developmental state’ which goes into areas of social welfare has been expressed using various terms: ‘developmental welfare systems’ (White and Goodman, 1998), ‘regulator’ Kwon (1998), ‘reluctance to welfarism’ (Midgley, 1986) or ‘productivist welfare regime’ (Holliday, 2000).

Despite these various names, they all seem to contain the common features of the East Asian Welfare Model. Firstly, social policy in East Asian states has been subordinated to economic growth, as can be seen in the slogan, ‘economic growth first, social welfare later’. That is, “the two central aspects of the productivist world of welfare capitalism are a growth-oriented state and subordination of all aspects of state policy,

including social policy, to economic/industrial objectives,” (Holliday, 2000: 709).

Secondly, the role played by the Korean welfare state in terms of the financing of the welfare system is as a regulator which makes “statutory rules to bring about social welfare programmes without making a financial commitment.” That is, “National Health Insurance, the National Pension Programme and the IACI are contributor programmes that are funded by employees and/or employers” (Kwon, 1999: 136). Clear preference in Korea has been given to the family and the market in welfare provision, while limiting the welfare function of the state largely to a regulative role in social welfare policy (Aspalter, 2006: 298).

Thirdly, the Korean welfare state with a strategic priority for rapid economic growth and its role of regulator, without doubt results in a low level of provision, or “a fragmented welfare system in which the pooling of risk is narrower than in an integrated system” (Kwon, 1998). This can be seen in the reluctance of the Korean welfare state “in extending benefits and coverage of social security and welfare programmes. Social rights were, first and foremost, confined to the realm of economic participation and public commitment to investment in social development – especially education, healthcare and housing,” (Aspalter, 2006: 290).

As has been discussed above, there are two perspectives to identify the East Asian Welfare Model: cultural and state-centred approaches. This thesis follows the line of the latter, that the residual welfare system of East Asian state has been introduced by an authoritarian regime with arbitrary power rather than by people who are affected by Confucianism. The reasons why this thesis does not agree with the cultural approach are as follows. Firstly, the cultural approach may suggest incorrectly fatalism or cultural determination. This is because the perspective of ‘the Confucian welfare state’ tends to put all

the most important factors on culture, and the cultural approach asserts that because the culture of Confucianism has been instilled into people for a long time, the regime may not be changed easily. However, since modernization and, more recently, globalization, East Asian societies have changed dramatically and in particular, the introduction of a modern political system and the organization of labour class mean that culture can no longer be regarded as the decisive factor in explaining these societies.

Secondly, this can lead to a mistake that people in East Asia have voluntarily accepted and supported the model based on the belief or custom of Confucianism. However, citizens do not seem to have agreed with the low provision of social welfare based on the value of Confucianism, although the developmental/authoritarian state might design welfare policy based on Confucianism for its justification. This can be proved by the historical fact that people have shown dissatisfaction and occasionally resistance. Similarly, people have inevitably had to take care of their families due to the state's insufficient welfare system.

2. Theory and Perspective

Institution and Politics in Historical-institutional Approach²⁰

²⁰ Historical institutionalism or the historical-institutional approach is a kind of new institutionalism. Largely, there are at least three different new institutionalisms: historical institutionalism, rational choice institutionalism, and sociological institutionalism. Despite the similarity between schools of new institutionalism which share the common value 'the rediscovery of institutions', they seem to have developed quite independently of each other and there are no clear agreements on the conception of institutions (Hall and Taylor, 1996: 936; Koelble, 1995: 232; Cammack, 1992: 401).

The objective of this thesis is to explore the welfare politics, social policy and both relationship concerning CWP in both Britain and Korea. This thesis will be based on historical institutionalism as a main perspective for this because it is especially appropriate to the case study of this thesis. In other words, CWP policy in the two countries is a matter of the development of institutions over time and welfare politics around institutions, adding weight to the five reasons why historical institutionalism will be adopted by this thesis:

The first reason is that it has been assessed that historical institutionalism has greatly contributed to an explanation for the relationship between politics and institutions. On this point, this thesis will adopt this theory to explore the relationship between welfare politics and institutions around CWP. The second reason why historical institutionalism will be adopted is that historical institutionalists have focused on studies of the welfare state (Hudson and Lowe, 2004: 149). The main subjects of historical institutionalism are institutions and their development in relation to the social welfare system. Accordingly, there are many accumulated studies on social policy, as can be seen from the eight papers in *Structuring Politics* (Steinmo, Thelen and Longstreth, 1992). In this aspect, historical institutionalism will give an understanding of the social welfare system in the context of the relationship between institutions and politics.

The third reason is that historical institutionalists have been interested in the analysis of institutional development and policy-making, paying special attention to autonomy, historical processes and structure (March and Olsen, 1984: 738; Koelble, 1995: 242). Thus, historical institutionalism will provide a framework for directly confronting the central question of choice and constraint in understanding political life (Thelen and Steinmo, 1992: 28). This perspective will be used to

understand the background of CWP-related institutions and politics in this thesis.

The fourth reason why historical institutionalism will be adopted as an analytical perspective is its usefulness in comparative social policy research. The new institutionalism was originally created by authors in comparative politics and comparative political economics and has contributed to the study of persistent cross-national differences (Thelen and Steinmo, 1992: 28). These previous comparative studies using historical institutionalism will give a good reference basis for this thesis which is based on comparative social policy study between Britain and Korea.

The fifth and final reason is its methodological usefulness. As discussed above, the main interest of historical institutionalism lies in institutions being recognized as a factor in understanding socio-political context and interaction of actors. This attitude is available to “a theoretical project aimed at the middle range that confronts issues of both historical contingency and ‘path dependency’” (Thelen and Steinmo, 1992: 1-2). Likewise, the analysis of institutions mediates structure and behaviour and, through an analysis of the middle-level, enables problems which exist in the state-centred and the social-centred theories to be overcome. This aspect of historical institutionalism is useful because this thesis illuminates compensation politics around CWP in Britain and Korea at a very detailed level.

These merits of historical institutionalism can be understood through the proof of the fundamental fact that institutions and politics are a dependant variable, as well as an independent variable, for each other. This means that institutions have relative autonomy over politics and the reverse is also true. This relationship can be in three steps.

Firstly, “political institutions do not operate in a vacuum” (Thelen and Steinmo, 1992: 18). All institutions are a result and a

reflection of activities among actors rather than a priori or preexisting thing. According to historical institutionalism, “institutions genetically are the fossilized traces of social and political action, and thus are a key to unraveling the driving forces behind policies and the historical compromises or cooperative practices that have established the policy” (Jorgensen, 2002: 18). Therefore, an institution cannot be recognized as a thing that is fixed and monolithic but as a collection of socio-political relations that have reflected intentions, struggles and results of struggles between the actors concerned. In this context, the statements, “institution are shaped by history” (Putnam, 1994) and “institutions structure the interactions of individuals” (Hall, 1986: 19) can be justified.

Secondly, the institutions which have been created through politics and relationships among political actors inversely impose controls on their creators with a certain fixed stability and continuation as soon as an institution becomes a written contract or regulation, law etc. In other words, they intervene in the distribution of power and influence, the definition of interests, and the establishment of values in society (Jorgensen, 2002: 18; Hall, 1986; Pontusson, 1995: 118-119; Thelen and Steinmo, 1992: 9). In addition, institutions may alter their own environment. States (here meaning central decision-making institutions) may, for instance, be able to alter the distribution of power among groups in civil society (Krasner, 1988: 85). In this context, “institutions shape politics” (Putnam, 1994; Koelble, 1995: 238), “policies produce politics” (Pierson, 1994: 39), and “preferences are shaped by institutions” (Koelble, 1995: 232) can be justified.

As discussed above, the image of institutions in historical institutionalism can affect activities, goals, and even visions of actors. In the political space, institutions steer individual choices in particular directions, thus helping to shape political outcomes and especially affecting government capacities, specifically their administrative and

financial resources for fashioning policy interventions (Pierson, 1994: 32; 1996: 152). In other words, like a prime political actor, institutions have their own coherence and autonomy and, in this context, institutions can be treated as decision makers and more than simple mirrors of social forces (March and Olsen, 1984: 738-739).

Thirdly, politics which is affected by institutions again tries to transform institutions. The existing institutions which seem to be correct in T time may not be available in $T+1$ time, or some groups may not find the institutions convenient even in T time. In any case, it is natural that political actors will try to change these exiting institutions. This means that institutions do not always have actors under their control and coverage and so institutions cannot discipline the activity of actors completely because institutions are a reflection of power relations and strategies of actors that change continuously according to political activities.

Likewise, the relationship between institutions and politics can be recognized as interactions, reciprocal changes or dialectic between politics and institutions. The following statement shows the relationship:

If interest groups shape policies, policies also shape interest groups. The organizational structure and political goals of groups may change in response to the nature of the programs that they confront and hope to sustain or modify (Pierson, 1994: 39).

In other words, politics materialized as an institution through struggles and compromises and the institutions can accordingly be recognized as a result of policies and political relations. However, politics also tries to transform the existing institution with the passage of time. As a result, existing institutions tend to change into new institutions in $T+1$.

The above discussion of institutions and politics can also be examined in terms of state and class. This is because the state is

recognized as “a specific ensemble of institutions” (Jessop, 1990: 267) or “as the most significant of all social institutions” (Cammack, 1992: 402) while class has been accepted as a main actor in the politics of a capitalist society (Gough, 1979; Esping-Andersen, 1990; Stephens, 1979; Shalev, 1983). In this context, many historical institutionalists have conducted studies of state from the point of view of “no longer as a neutral broker among competing interests but as a complex of institutions capable of structuring the character and outcomes of group conflict” (Hall and Taylor, 1996: 938). From this perspective, institutionalists generally pay attention to the whole range of the state that shapes how political actors define their interests and that structure their relations of power to other groups (Thelen and Steinmo, 1992: 2). This means that the perspective of the relationship between institutions and politics applies to the analysis of state and politics: “The state is not only affected by politics but also affects it” (March and Olsen, 1984: 738).

On the other hand, with regard to the discussion of political actors and their power relations which are inscribed inside state as an institutional materialization of social relations, new institutionalism seems to be open to various perspectives as can be seen in the following statement:

Institutional analyses do not deny the broad political forces that animate various theories of politics: class structure in Marxism, group dynamics in pluralism. Instead, they point to the ways that institutions structure these battles and in so doing, influence their outcomes (Thelen and Steinmo, 1992: 3).

As mentioned above, no actor, including class, individuals and interest groups etc., enjoys privileges in new institutionalism. In other words, classes and their organizations may not be regarded as the main political actors in new institutionalism. However, this thesis will focus on the dominant role of trade unions in the formation, operation and effect of

institutions which embody the welfare state and its welfare system. In doing this, political economy and power resources theories will complement historical institutionalism.

Political Economy and Power Resources Theories

The welfare state has managed social risks and secured social rights through social policy.²¹ There have been many theories about the formation and development of the welfare state which act in keen competition.²² Political economy and power resources theories hold a key part in the explanation of the formation and development of the welfare state and draw special attention to the issues of class and the role of trade unions.

As a theoretical approach, political economy is drawn from Marxism which sees politics and power in terms of class, exploitation and collective conflict (Esping-Andersen, 1999: 11). Here, a class is a group of people sharing a common relationship to the means of production while exploitation is where the dominant class extracts surplus labour from the subordinate class. Thus, the relationship between the exploiter and the subordinate is antagonistic (Gough, 1979: 17-20). Likewise, the

²¹ The risks in modern society exist beyond the control of any individual and are generalized under market economies in capitalism (Esping-Andersen, 1999; Giddens, 1998; Beck, 1992). In addition, they are characterized as uncertain in knowledge and impossible to calculate: "Recent commentators such as Beck and Giddens have argued that post-modernity can be characterized by global risks, indeterminate and contingent knowledge about the probability of such risks, and uncertainty over future outcomes and impacts" (Kemshall, 2002: 5). The key issue, in front of social risks, has been how public institutions, especially state, can and should cope with these risks. In this context, Esping-Andersen points out that "social risks are the building blocks of welfare regimes" (Esping-Andersen, 1999: 40).

²² There are clear analytical perspectives on the main factors contributing to or retarding welfare state expansion. There are three main influential theories, which each give a different priority to power resources of labour movements, on the role of institutions or state capacity (Pierson, 1994: 27; Rothstein, 1990: 318-319).

fundamental basis of politics is the capitalist mode of production in which exploitation necessarily occurs between classes and the class politics of the working class tries to get rid of or mitigate the system because “state intervention in the selling or buying of labour-power, that is, intervention in the labour market, should be the primary state policy or institution affecting the organizational capabilities of workers in capitalist societies” (Rothstein, 1990: 322-323). In this context, a conflict is formed by the control of supply of labour, namely, labour market policies and institutions operating on the labour market.

Political economy theory maintains that trade unions and labour movements in the capitalist mode of production hold a very important position because they are organized in favour of the labour class and can fundamentally conduct politics to get rid of exploitation and contradiction of capitalism. Therefore, working-class organizational strength depends on the degree of unionization of workers, the ideology and strategy of unions, and the organizational force of the working class, and this determines the characteristics of class politics. In other words, in terms of political economy, the relationship between classes determines the mode of state and society, specifically the type of exploitation and value distribution. All of these issues are evident in CWP policy.

Power resources theory argues that the power of the working class is the most important independent variable in explaining development of and the differences between welfare states.²³ In other words, the greater the organizational strength of the working class the stronger the welfare state (Rothstein, 1990: 318-319). It is generally acknowledged that the role of pressure from subordinate classes and other

²³ It is generally accepted that, during the past decade the power resources perspective has been the leading approach in comparative politics to explain patterns of welfare state expansion (Pierson, 1994: 28) and that it is persuasive because “still, the ‘class-correlates’ do not erode similarly across all advanced nations, and this is where differences in welfare state and industrial relations construction matter” (Esping-Andersen, 1999: 16).

organised pressure groups associated with them is of importance in explaining the introduction of welfare measures (Gough, 1979: 58). The labour movement in general and trade unions in particular must be counted among the most important interest groups seeking to influence policy because of the contradictory class location of the working class as an object of exploitation.²⁴

Korpi's power resource theory argues that labour tries to confine power of capital through its political power and the welfare state results from this effort of labour. Here, distributional outcomes depend on wage-earner unity and power mobilization (Korpi, 1983). In this context, social programmes result from the significant impact of the bargaining positions of workers and employers in the marketplace. In addition, many social programmes limit the economic vulnerability of wage earners and increase worker solidarity (Pierson, 1994: 28).²⁵

Regarding characteristics of welfare state and politics, the "welfare state simultaneously embodies tendencies to enhance social welfare, to develop the powers of individuals, to exert social control over the blind play of market forces; and tendencies to repress and control people, to adapt them to the requirements of the capitalist economy (Gough, 1979: 12)." However, it is noted that the welfare state is characterized not as overturning the mode of production from capitalism

²⁴ Mishra (1999: 59) maintains that organized labour wields considerable power by virtue of its strategic location in the system of production as well as its capacity to support political parties (financially, electorally and in other ways) which would further labour's interests. Regarding the sources of workers' bargaining power, Wright (2000) suggests two sources of "associational" and structural power." Associational power consists of "the various forms of power that result from the formation of collective organization of workers" (most importantly, trade unions and political parties). Structural power, by contrast, consists of power that accrues to workers "simply from their location ... in the economic system" (Silver, 2003: 13). Likewise, because of its position in the production relations of exploited groups, a labour movement based on collective organization of workers tries to overthrow the mode of production or persuade capital into concession like social wages.

²⁵ Whereas Korpi has interest in blue-collar workers, Esping-Andersen (1990) emphasizes the importance of class solidarity beyond collective activities of labour class. His perspective is helpful in explaining different results in the similar conditions.

to socialism, but to reform or revise and so relieve exploitation with social wages. The term 'welfare state' is defined as "the use of state power to modify the reproduction of labour power and to maintain the non-working population in capitalist societies" (Gough, 1979: 44-45).²⁶

To summarize the implications of theories introduced and their relations, the state is an institution and the welfare state is accordingly a given institution, while politics is based on class relations and welfare politics. Furthermore, the welfare state as an institution should be identified in terms of class relations (Poulantzas, 1978; Jessop, 1990). This means that, firstly, the characteristics of the welfare state should be understood in terms of class and class politics, and the position and role of trade unions; secondly, power sources and relations should be grasped clearly in terms of class relations; and finally, welfare politics to remedy a contradiction of capitalism tends to be characterized as a class compromise which is presented in a political machine like a political type of corporatism.

Defining Deficiency of Welfare Politics

Based on the above discussion on theories, this section will discuss welfare politics and its determinants in order to identify the concept of 'bureaucratic-authoritarian politics' which is a deficiency of welfare politics which shows the differences between welfare politics and institutions concerning CWP in Britain and Korea.

Welfare politics are political activities to remove or mitigate social risks with social wages which lead to a mitigation of class exploitation or 'raise of de-commodification' (Esping-Andersen, 1990)

²⁶ In this tradition "the welfare state takes on two forms: to some it is a (problematic) instrument of social legitimation; to others it is a (possibly contradictory) democratic implant in a capitalist body" (Esping-Andersen, 1999: 11).

and finally materializes into a welfare state and its institutions. These politics can best be understood through three intrinsic characteristics as described by Mishra:

Historically organized labour has lent its support to social democratic and other left parties who have been more supportive of the welfare state. Moreover, in many countries organized labour has played a key role in societal decision-making in the post war years through corporatist institutions. Typically this took the form of tripartite and consensual forms of decision-making involving peak associations of the state, employers and workers. These arrangements – reflecting the strategic position of organized labour in the economy as one of the ‘social partners’ – were commonplace in many European countries during the golden age of welfare capitalism (1999: 59-60).

As seen above, firstly, welfare politics and the welfare state are characterized by class politics, as exemplified in the role of trade unions as found by Pierson: “The welfare state is the product of a struggle between the political powers of social democracy and the economic power of capital. A generous and expansive welfare state is an expression of the strength of working-class forces in both parties and trade unions,” (2006: 33). Secondly, it is generally accepted that social democracy is a basic ideology of welfare politics. Esping-Andersen (1985: 3) maintains that it “is, and has always been, the most successful expression of working-class politics in capitalist democracies”. Thirdly, it is also widely acknowledged that welfare politics and the welfare state may be presented as a type of corporatism, more exactly ‘social corporatism’. Schmitter and Lehmbruch, pioneers of neo-corporatism studies, define corporatism²⁷ in

²⁷ “Different authors have defined ‘corporatism’ differently” (Lehmbruch, 1982: 2). Nonetheless, the definition by Schmitter (1974) has generally been accepted: “Corporatism can be defined as a system of interest intermediation in which the constituent units are organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports” (93-94).

terms of “a distinctive, and modern system of interest representation” (1974: 85) and “an institutionalized pattern of policy-formation” (1977: 94)²⁸, and these aspects all are recognized as corporatist features although there are differences in the definition and type of corporatism²⁹.

It is natural that welfare politics is presented as class politics based on social democracy and corporatism, but it is not the politics of revolution or of socialism attempting to overthrow capitalism, but the politics of compromise in institutionalized areas of capitalism. In other words, class politics or class conflict in welfare politics does exist in democratic institutions in capitalism and tends to discover itself “through the political arena in advanced capitalist countries.” In other words, “once universal suffrage and the other major liberal rights are established, this provides a crucial channel through which to obtain welfare improvements,” (Gough, 1979: 60).

Unlike welfare politics in developed countries which have basic factors such as class politics, social democracy, social corporatism and welfare system from these results, welfare politics in developing countries lack these factors which are replaced by characteristics like bureaucracy, authoritarianism and controls on labour movement. These politics can be better understood with a description of state corporatism which is a political type of participation and policy-making.

²⁸ Besides these definitions, there are others such as ‘a distinctive combination of political representation and state intervention’ (Jessop, 1990: 120), new mode of production (Winkler, 1976), specific political structure (Panitch, 1979).

²⁹ They call neo-corporatism ‘societal corporatism’ (Schmitter, 1974) or ‘liberal corporatism’ (Lehmbruch, 1974) respectively. In addition, Schmitter defines neo-corporatism as a form of interest representation with a clear-cut distinction of pluralism, statism and syndicalism. Therefore he focuses on incorporation of interest groups into the state’s decision-making and administrative processes. On the other hand, Lehmbruch regards corporatism as a type of policy-making or an institutionalized pattern of policy-formation. Namely, he views neo-corporatism as being closely related to economic policy or public policy and classifies it as three types of strong, medium and weak corporatism to exist in West European countries (1977; 1982).

Compared with social corporatism,³⁰ 'state corporatism'³¹ is composed of relevant interest groups, including labour subordinated to a central bureaucratic power or state. Therefore, welfare politics in state corporatism tends not to remain as class politics for classes in general, but more as pressure group politics for specific interest groups. In the case of dominant ideas, they also tend to be subject to the goals, ideas and intentions of the Government, such as economic growth, authoritarian governance, chauvinism etc. From the differences between the two systems, more general determinants of welfare politics can be drawn. In politics in state corporatism there is a lack of welfare politics, unlike welfare politics in social corporatism, and so bureaucratic-authoritarian politics can be characterized as an 'excluding political system' (O'Donnell, 1973). In this thesis, this situation is identified as a 'deficiency of politics' and factors of welfare politics will first be examined to determine its characteristics. The factors for welfare politics can be inferred in factors to determine social corporatism and welfare politics.

Based on previous studies on these determinants,³² generally there are three factors in welfare politics; organization of trade unions and

³⁰ State corporatism may seem to be social corporatism in terms of participation of trade unions, but is in fact definitely different in aspects of power relations among actors, function, ideology in base, possible social condition etc. Schmitter discriminates state corporatism from societal corporatism as follows: "Societal corporatism appears to be the concomitant, if not ineluctable, component of the postliberal, advanced capitalist, organized democratic welfare state; state corporatism seems to be a defining element of, if not structural necessity for, the antiliberal, delayed capitalist, authoritarian, neomercantilist state" (1974: 105).

³¹ This division, societal and state corporatism, follows Schmitter's opinion (1974: 102-103). Besides his classification, there are others such as liberal and authoritarian corporatism by Lembruch (1979: 92). Meanwhile, there are sub-divisions in state corporatism such as 'excluding political system' and 'incorporating political system' by O'Donnell (1973), and 'inclusionary corporatism' and 'exclusionary corporatism' by Stepan (1978).

³² There is no denying that determinants of politics in corporatism are as follows: the strong solidarity between organized labour and political poverty on left wing; centralized organizations of workers and employers; strong coordinated system over national economics. The precondition of social corporatism may be similar to factors which are

control on their members; left-wing political parties and solidarity between trade unions and the parties; institutionalization for social dialogue and social policy.

The first and the second factors represent the fact that welfare politics is basically class politics and is based on the strength of trade unions because the unions are still assessed as one of main actors, although they become weak in the face of intense attacks from neo-liberal, conservative parties. Regarding these factors, this paper will focus on density, ideology, the level of intervention of trade unions in political parties and social concertation at a national level.

From the point of view of historical institutionalism, institutions have been formed by previous politics, but also structures present politics. In other words, the institutional factor should be handled in accordance with the cohesion of political relations and interventions in politics. Thus, this thesis will examine the roles and implication of institutions which have been formed from the past politics in terms of their influence and effect on the strategies.

From the above determinants of welfare politics, the concept of 'the deficiency of politics' can be defined. Firstly, it is a weakness of class politics, meaning the exclusion of the labour movement leading to

relevant to welfare politics because corporatism is closely related to the welfare state. In fact, regarding the determinants of development and formation of the welfare state, there are many suggestions of the determinants which are similar to those of corporatism. For example, Saville sees the development of the welfare state as a result of the interaction of three main factors: the struggle of the working class against their exploitation; the requirements of industrial capitalism for a more efficient environment in which to operate-in particular the need for a highly productive labour force; and the recognition by the propertied classes of the price that has to be paid for political security (Saville, 1981). Esping-Andersen (1990) also suggests three factors: the nature of class mobilization (especially of the working class); class-political coalition structures; and the historical legacy of regime institutionalization. Furthermore, the list of Pierson (2006) is longer and more comprehensive than that of any other author: (1) the extension of the franchise (2) the rise of social democratic parties (3) a strong (and centralized) trade union movement (4) weak parties of the right (5) sustained social democratic governmental incumbency (6) sustained economic growth (7) strong class identity and correspondingly weak cleavages of religion, language and ethnicity (Pierson, 2006: 33).

the weakness or extinction of welfare politics. In other words, welfare politics depends on the degree of class conflict, especially, the strength and form of the working-class struggle by trade unions or mass working-class parties. Thus, the concept of the 'deficiency of politics' is related to the existence of a relevant actor, or trade union, and that actor's ability to take part in class politics.

Secondly, the 'deficiency of politics' is related to weak political influence of trade unions. This can be explained by the weakness of progressive political parties in state politics or the lack of solidarity between labour unions and political parties resulting in difficulty of access to social policy formation by trade unions.

Finally, the concept of the 'deficiency of politics' is related to poor legacies of institutions. This can be explained in two dimensions: one is related to the political system while the other is connected with the welfare system. As far as a representative system is concerned, deficiency of politics is a concept related to weakness or absence of a class compromise system. In detail, deficiency of politics can be found in the weakness of institutions such as corporatism, tripartism³³ or policy concertation, which can be characterized as authoritarianism, state corporatism and sometimes market despotism, in comparison with the policy compromise which takes place in social corporatism. Meanwhile, poverty is also affected by a poor social security system.

³³ According to the definition of Panitch (1977), corporatism constitutes "a political structure within advanced capitalism which integrates organized socio-economic producer groups through a system of representation and co-operative mutual interaction at the leadership level, and of mobilization and social control at the mass level" (Panitch, 1977: 60). Meanwhile, when restricted in this way to the integration within the state of the two basic producer groups in capitalist society-capital and labour-it is often referred to as 'tripartism'. The essence of this strategy is that in return for consultation and a 'representational monopoly' within their sphere, each co-party exerts control over the base of their organization (Gough, 1979: 146).

Industrial Disease and Welfare Politics around CWP

With regard to industrial diseases, the position of this thesis is also in line with the political economy and power resources theories. This means that this thesis will explore institutions related to industrial diseases in terms of class politics. From this point of view, the relevant institutions are recognized as ‘industrial injuries schemes’ or ‘industrial accident compensation insurance’ and class politics as the ‘politics of compensation’ or ‘compensation politics’.

As has been discussed, in the view of political economy, capital attempts to offset rising wages by raising the level of direct exploitation, for example by extending the hours of work or the intensity of work (Gough, 1979: 24). Marx described what happens during the process of production as follows:

It must be acknowledged that our labourer comes out of the process of production other than he entered. In the market he stood as owner of the commodity ‘labour-power’ face to face with other owners of commodities, dealer against dealer. The contract by which he sold to the capitalist his labour-power proved, so to say, in black and white that he disposed of himself freely. The bargain concluded, it is discovered that he was no ‘free agent,’ that the time for which he is free to sell his labour-power is the time for which he is forced to sell it, that in fact the vampire will not lose its hold on him ‘so long as there is a muscle, a nerve, a drop of blood to be exploited (Marx, 1867: 285).

From this perspective, workers’ health can be understood in the area of the labour process because intensification of exploitation through extension of working hours and strengthening of labour intensity leads to worsening workers’ health. In this context, work, specifically ‘the quality of the work environment and the work process’, may always damage workers’ health (Harvey, 1988: 9). Likewise, Marxist political economy in explaining occupational health maintains that “workers suffer occupational diseases and work-related injuries through the domineering

and profit-maximising policies of their employers” (McIvor and Johnston, 2007: 16) under the continuing process of capital accumulation under capitalism. Thus, the protection of workers’ health can be acquired by workers themselves, or by the trade unions and their collective activities. As a result, social wages for workers have increased in all Western capitalist societies more rapidly than monetary wages and part of that increase reflects an expansion in the health benefits available to the working population (Navarro, 1986: 40-41). However, the activities of trade unions for health will inevitably struggle with the intentions and strategies of capital. From this point of view, occupational health can be understood in relation to class politics as well as a mode of production in capitalism. Navarro (1978) explains these characteristics through two related themes in an examination of the NHS: the first is the theory that the primary controlling forces within the health service are to be found in the very infrastructure of capitalism; the other is concerned with articulating the function of class relations in shaping the wider social and political context in which health care is located (Navarro, 1978: 9).

As discussed above, workers’ health and occupational diseases should be understood not in the context of individuals but in the social or class dimension.³⁴ However, although the problem is associated with capitalist modes of production, it does not automatically become social

³⁴ Some commentators have noted that industrial accidents and disasters are socially constructed, and some have argued convincingly that in many cases catastrophes, such as Piper Alpha and Bhopal, should be seen more as the consequences of a chain of corporate irresponsibility than ‘accidents’ in the blameless sense of the word. Indeed, speaking about the UK situation, Nichols argues that the term ‘industrial injury’ is more appropriate than ‘industrial accident’ (McIvor and Johnston, 2007: 21). Dwyer has also looked at this in some depth in *Life and Death at Work: Industrial Accidents as a Case of Socially Produced Error* (1991), and suggests that sociological theory regarding work accidents can be reduced to four simple hypotheses: 1. Social relations of work produce industrial accidents. 2. The greater weight of a level of social relations in the management of workers’ relationships to the dangers of their jobs, the greater the proportion of accidents produced at that level 3. The greater the degree of auto-control by workers at a level, the lower the proportion of accidents produced at that level. 4. The greater the degree of managerial safety management at a level, the lower the proportion of accidents produced at the level the management seeks to control (Dwyer, 1991: 50).

and political. Historically, trade unions focused their priorities on wages, followed closely by working hours and conditions of work while they have neglected workers' health and industrial diseases. Therefore, there is nothing fixed about the order of the remaining items; it varies as circumstances vary (Allen, 1966: 149; Harvery, 1998: 9). This attitude of neglect was found by the Robens Committee which reviewed workers' health and safety in the early 1970s.

In this context, workers' health is the responsibility of the labour movement³⁵ and, in fact, most of the strikes in the Western developed capitalist world in the last two decades have had to do with working conditions and how those working conditions affect the well-being and health of the labouring populations (Navarro, 1986: 145). In other words, "the more control over the workplace workers have, the safer their working environment will be, and the fact that modern trade unionized workplaces are statistically safer than non-trade unionized workplaces bears this out" (McIvor and Johnston, 2007: 21).

As has been shown, the historical-institutional approach and the strategic-relational approach can also be applied to give an explanation of workers' health and occupational diseases. From this perspective, "medicine is not neutral, nor is it an instrument". In other words, "medicine is a synthesis of social relations, defined within a matrix of power dominant-dominated relations that reproduce those relations within all dimensions of medicine, including its knowledge, practice, and institutions," (Navarro, 1986: 11). This seemingly neutral definition could be re-interpreted in the context of the political and social context of capitalism. Smith (1983) shows that the medical definitions of pneumoconiosis have been subjected to ideological and political struggles

³⁵ The expansion of state medical expenditures and state health regulations, components of the welfare state, in the post-the Second World War period is an outcome of the strength of the working class that has forced the bourgeoisie to provide those services and interventions (Navarro, 1986: 249).

and the burden of respiratory disease is intimately related to the political economy of the workplace, the site of disease production.

To conclude the above discussion, occupational diseases must be understood in the context of the capitalist relation between production and class politics. In this aspect, diseases should be recognized as the basic agenda of class politics. In addition, the definition and discovery of industrial disease should also be understood from this point of view.

3. Methodology

Data Collection

Data are divided into two types in this thesis: documents and interviews. Documentary data and interview data are each collected in two categories: primary sources and secondary sources.³⁶ Therefore, there will be four kinds of material used in this thesis: primary documents, secondary documents, primary interviews, secondary interviews. The documentary data and secondary interviews have mainly been collected from libraries, museums and institutes while the primary interviews were obtained from my own interviews.

Data collection has been carried out in two steps. In the first step, data in documentary data and secondary interviews were collected

³⁶ The terms, 'primary' and 'secondary', are widely used to distinguish between document sources. The former is related to "records kept and written by actual participants in, or witness of, an event" while the latter is related documents by writers who report what actual participants said and wrote (Burns, 2000: 485). In this thesis, the categories will be applied to interviews in a similar context but slightly modified. That is, secondary interviews mean interview materials conducted initially 'for other study' while primary interviews means interview materials conducted just 'for this thesis'.

considering the research question. Based on examination of these data, my own interviews were planned as the second step. In other words, my own interviews were conducted in order to supplement gaps in knowledge in the materials collected in the first step.

In the case of Britain, there are already lots of the accumulated materials available, as can be seen in McIvor and Johnston's claim that "Coal mining is probably the most documented of all British industries in the twentieth century" (2007: 9). In addition, *Hansard* which registers parliamentary debates and archives which contain debates of policy-making process in the Government are very helpful for understanding politics of compensation. There are also many secondary interviews in Britain which are kept in universities, museums and relevant organizations. On the other hand, as the events studied in detail took place in the 1940s and 1970s and key participants are no longer alive, there was little need to carry out new interviews and these were limited to a small number of miners' representatives.

On the other hand, there is a smaller amount of material on coal mining and CWP in Korea compared with Britain (refer to 2.1). This reflects the shorter history of mining industry, the Government's control and mineworkers' ignorance of CWP. In particular, there are hardly any documents or statements on the enactment of APPPPW 1984 in Korea. Therefore it is essential to carry out interviews to gather data on this. The interviews in Korea are therefore very important for this thesis because the political processes cannot be fully discovered due to a lack of documents which contain the processes of policy-making.

Documentary Data and Secondary Interviews

Documents were collected using 'purposive sampling.' This is sampling in a deliberate way, with some purpose or focus in mind (Punch, 1998).

The purposive sampling in the thesis covers three areas: the situation of miners and ex-miners with CWP; social policy and industrial injuries schemes for ex-miners with CWP; and welfare politics for the introduction of schemes concerning CWP.

A wide range of documents can be used by social researchers including life histories, such as biographies, autobiographies, diaries, letters, essays, personal notes, institutional memoranda and reports; and government pronouncements and proceedings (Jupp, 1996: 300-303). These documents are usually situated in libraries under universities and museums; the institutions concerned, such as government agencies and parliament; organizations related to industrial relations, such as trade unions; federations of businesses concerned; organs connected with civic groups or persons; and media, such as newspapers and journals.

In Britain, sources of material for this thesis are: Edinburgh University Library, South Wales Miners' Library at Swansea University, National Library of Scotland, the National Archives, the Reference library at the Scottish Mining Museum, the Inter-library Loans service, Government departments and agencies, and the Scotland Area and South Wales Areas branches of the National Union of Mineworkers. In Korea, the sources are the Seoul National University Library, the National Assembly Library, departments of the Government, trade unions and associations relevant to coal.

The types of materials are: articles and books including census data and other statistical compilations, primary materials from government and trade unions, newspapers, magazines, journals, non-written qualitative data such as audio-visual materials or artefacts. There were the three characteristic materials in Britain: (1) Hansard (Parliamentary Debates), (2) Interview materials from the Miners' Library and the Reference library at the Scottish Mining Museum (3)

Government documents concerning the policy-making processes, pronouncements, proceedings and white papers.

In addition to the general types of documents mentioned above, there is also a major piece in Korea relevant for this thesis. It is a survey from the Korea Labor Institute conducted by the author. The research surveyed 507 SPPs who live in Taebaek City and 510 HPPs³⁷ who are in hospital (a total of 1,078 persons with CWP)³⁸. The survey contained questions to gather general information about the surveyed, for example: what it was like to work as a coal miner; their everyday life at present; their awareness of the compensation for pneumoconiosis under the current law; and their needs for medical treatment and everyday life. Statistics from this survey have been an important reference for understanding of situation of Korean ex-miners with CWP and was a major motivation behind this thesis.

In addition, there are three sources of secondary interviews: two sets of interviews related to the British case were carried out by Miners' Library at the Swansea University and the Library of Scottish Mining Museum while the other, related to the Korean case, comes from the Korea Labor Institute.

The first set of interviews comes from the 'South Wales Coalfield Collection' in the Miners' Library.³⁹ I contacted the Miners' Library after fourteen interviews expected to be useful were selected. CDs containing

³⁷ Pneumoconiosis patients in this thesis are divided into two groups: SPP and HPP. The groups all have pneumoconiosis but the latter is patients hospitalised with complications related to pneumoconiosis while the former does not have the complications so is not in hospital. The Chapter 5.3 will give more explanation

³⁸ The author worked for the Institute as a research fellow at that time and the survey was conducted as part of that role in 2001.

³⁹ There is 'South Wales Coalfield Collection' which was "established in 1969 as an attempt to preserve the documentary records of the mining community of South Wales" (<http://lisweb.swan.ac.uk/swcc/>). There is an 'Audio Collection' in the 'South Wales Coalfield Collection' in which interviews with persons concerned are collected by three 'South Wales Coal Field Projects' (1972-74; 1974-79; 1979-82).

these interviews were received from the Miners' Library in July 2007 and were listened to by the author. The interviews include interviewees who were present at the enactment of CWPS 1974, Daly, Ezra, Varley, Eadie, McGahey, and famous union leaders and politicians, such as Scargill and Benn. Eight of these interviews were selected as useful for this research (refer to Appendix A).

The second set of interviews was conducted by the Scottish Mining Museum⁴⁰. The Museum has conducted 'oral history projects' and the results have been kept in the Reference Library at the Scottish Mining Museum. Access to the materials is very easy as the author has worked at this library as a volunteer. Requests for relevant interview materials were sent to the relevant staff and twenty-one interview transcripts were obtained. The interviewees are mainly ex-mineworkers and the interviews were conducted in 2005. These transcripts were read and nine interviews were selected as sources for this thesis.

The third set of interviews comes from the Korea Labor Institute. The interviews were conducted under the author's supervision in May 2001 for research into the situations of ex-miners with CWP. The interviewees were 61 SPP living in Tabaek City. 30 interviewees were interviewed by the author and ten of these interviews have been selected for this thesis. The interviews are very useful to understand the situation of ex-miners with CWP and the benefits available for them under the Korean welfare system. However, there is lack of information on the political aspects surrounding the compensation system because the objective of the survey and interviews was to explore the actual life of ex-miners with CWP.

⁴⁰ The Reference at the Scottish Mining Museum hold archives, books, journals, trade catalogues and periodicals covering the history of the coal mining industry in Scotland (<http://www.scottishminingmuseum.com/collection/index2.asp?id=4#>).

Primary Interviews

Interviews are very important to this thesis because political processes may not be discovered fully by documents if the documents do not contain detailed information on the covert processes of policy-making. To supplement the limitation of documents, often the only way open to the researcher is to interview participants in policy-making (Punch, 1998: 180). In this respect, the interviews were ‘a conversation with a purpose’ in terms of supplementary data collection as well as attaining the purpose of study.

The types of interview selected for the thesis were the focused or semi-structured interview. This means that the interview was located in the centre between tightly structured and standardized interviews and unstructured and open-ended interviews. In other words, interview questions were to some extent pre-planned and standardized and to some extent evolve as the interview unfolds. The wording of those questions to some extent depended upon the direction the interview took (Punch, 1998: 175-176).

For sampling, or interview respondents, interviews were conducted with former direct and indirect policy-makers and activists who were in a position to attest to the events which actually occurred. Sampling was selected on the basis of the information gathered from literature reviews and the reputational-case selection based on recommendations by experts. What is more, interviews were conducted with the pneumoconiosis elderly, physicians, social workers and other relevant persons.

In this case, interviews were not conducted focusing on IIA and CWPS. There are two reasons for this: Firstly, almost all the participants have now passed away because over thirty years have passed since the event. Secondly, interviews were not positively necessary because there

were already materials available to examine these events, for example Hansard and internal Government papers including policy-making processes had been released.

Therefore, the interviews were conducted focusing on trade unionists who understand the general facts of welfare politics in terms of trade unions and the Labour Party (refer to Appendix A). The interviewees are members of the NUM and the interviews were conducted between May and December, 2006.

In the case of Korea, there are two cases for analysis in this thesis: IACI 1964 and APPPPW 1984. While IACI 1964 is not an object suitable for analysis by interview because the event happened a long time ago, interviews on APPPPW 1984 were possible and were conducted. This is because the relevant persons are still alive and there are few documents concerning the policy-making processes.

There are also many actors related to CWP: ex-miners with CWP and their organizations, civic groups, officials, trade unionists, physicians, politicians etc. the interviews were carried out in Korea between 8 April and 6 May, 2006. During this period, twenty persons were interviewed (refer to Appendix B).

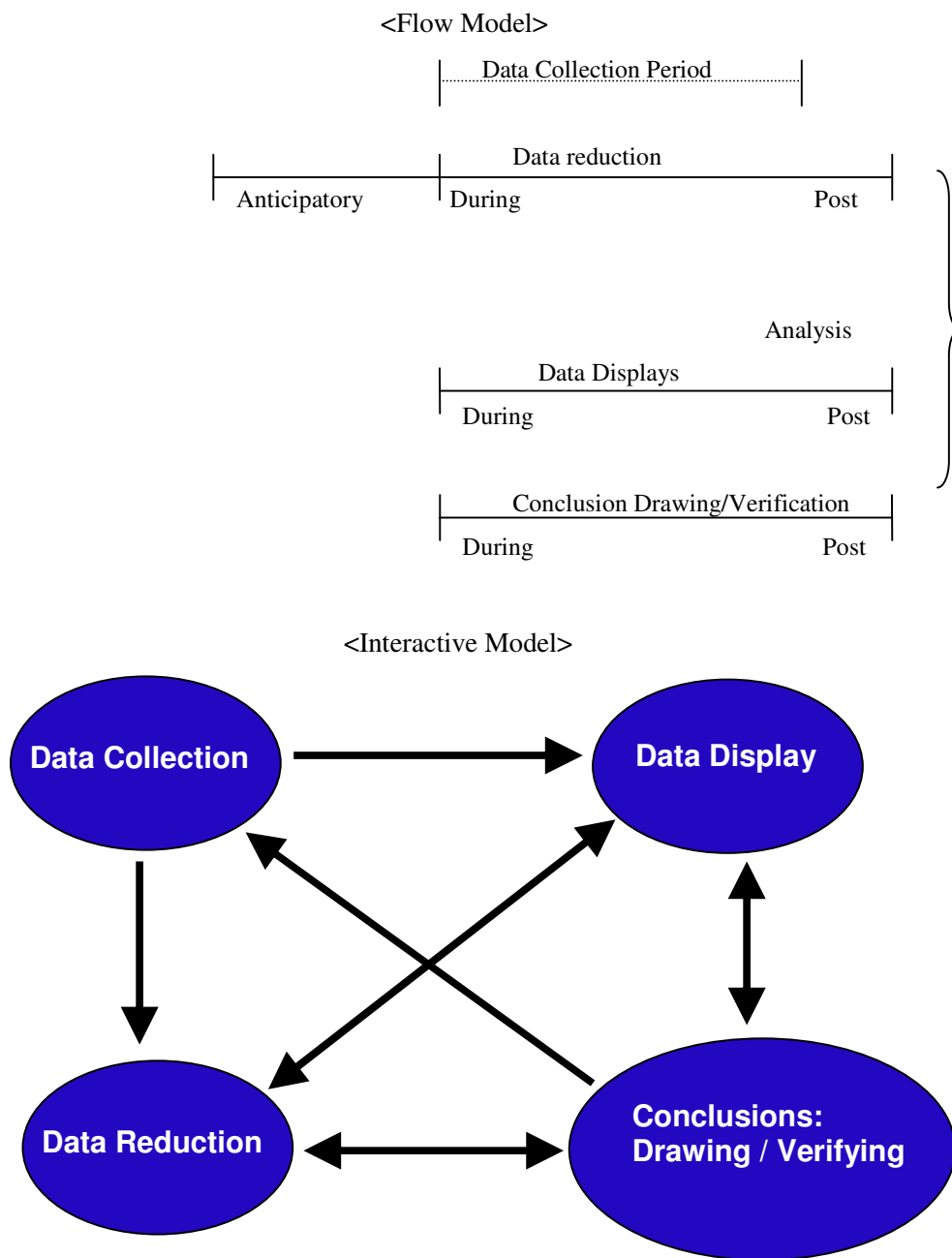
Analysing Data

Data analysis is the process of bringing order, structure, and meaning to the mass of collected data in order to arrive at the objective of the study (Marshall and Rossman, 1989: 112). This thesis will adopt the Miles and Huberman Framework for qualitative data analysis because their work on data analysis is one of the most notable works in recent years and has “sought to achieve a corresponding degree of rigour in the analysis of

qualitative data to that traditionally expected in the analysis of quantitative data” (Robson, 1993: 372).

Miles and Huberman identify Miles and Huberman Framework as ‘transcendental realism’ and there are three main components to Miles and Huberman Framework: data reduction, data display, and drawing and verifying conclusions. There are also three main operations in their model: coding, memoing and developing propositions (Miles and Huberman, 1994: 10-12, 50-89; Punch, 1998: 203-204). Figure 1 Components of Data Analysis: Flow Model and Interactive Model

Data reduction is “the process of selecting, focusing, simplifying, abstracting, and transforming the data that appear in written-up field notes or transcriptions” so that “the reams of collected data are brought into manageable chunks” (Miles and Huberman, 1994: 10; Marshall and Rossman, 1989: 114). Data reduction is an effort to reduce the data without significant loss of information. As part of the analysis, data reduction intervenes in all the processes of analysis. There were editing, segmenting and summarizing of data in the early stages of coding and memoing; associated activities such as finding themes, clusters and patterns in the middle stages; and conceptualizing and explaining in the final stages. Data displays organize, compress and assemble information to permit conclusions to be drawn. Therefore, good displays are a major way to validate qualitative analysis. Displays are used at all stages. Likewise, with data reduction, the creation and use of displays is an important activity of analysis. On the other hand, the reasons for reducing and displaying data are to assist in drawing conclusions. In other words, the third stream of analysis activity is conclusion drawing and verification. Provisional or tentative conclusions, such as propositions may be drawn in the initial stages but the conclusions will be sharpened during data reduction and displays, and finally verified in the final stages (Miles and Huberman, 1994: 10-12, 50-89; Punch, 1998: 204-205).



Sources: Miles and Hubenman, 1994: 11, 12.

The relationship is not so much sequential as consisting of concurrent streams or activities which interact throughout the analysis, as can be seen in Figure 1. That is, “these three components are interwoven and concurrent throughout the data analysis” (Punch, 1998: 204; Miles and

Huberman, 1994: 11) as “three concurrent flows of activity” (Miles and Huberman, 1994: 10). During the data analysis with reduction, display and drawing conclusion it is important to bear in mind that these activities should be conducted in conjunction with research questions, hypothesis and important themes throughout the data analysis. Furthermore, “as the research progresses, some hypotheses are discarded, others are refined, and still others are formulated” (Frankfort-Nachmias and Nachmias, 1997: 292)

On the other hand, there are three main operations in Miles and Huberman Framework of coding, memoing and developing propositions; the first two are the basic operations on which data reduction and display mainly rely (Miles and Huberman, 1994: 50-89; Punch, 1998: 204-208). Coding is the process of putting tags, names or labels against pieces of data while codes are tags, names or labels for classifying the descriptive or inferential data collected during research into meaningful categories (Frankfort-Nachmias and Nachmias, 1997: 335; Miles and Huberman, 1994: 56-57). Likewise, the coding of data (data reduction for example), leads to new ideas on what should go into a matrix (data display). Memos “are summaries of ideas about codes and their relationships and vary in content, direction and length” (Sarantakos, 1998: 319). They tie together different pieces of data into a recognizable cluster, to show that those data are instances of a general concept. They are one of the most useful and powerful sense-making tools available (Miles and Huberman, 1994: 72).

Entering the data requires further data reduction. As the matrix fills, preliminary conclusions can be drawn, but these will lead to the decision, for example, to add another column to the matrix to test the conclusion (Miles and Huberman, 1994: 2). In terms of that fact, coding and memoing try to find and organize the main themes of interviewees in terms of the research question and drawing conclusions. These operations are similar to ‘thematic analysis’. The analysis is used to directly

represent the points of view of the interviewees through descriptions of experience, beliefs, and perceptions (Luborsky, 1994; Park, Butcher and Maas, 2004: 349-350).

According to the guidance of the Miles and Huberman Framework, the data collected have been analysed. First, categories were designed to relate to the objects and subjects of this thesis and coding of collected data was systematically conducted in these categories. For example, there are three categories in this thesis: British case, Korean Case, theory and methods. The two cases are further separated into several sub-categories: working conditions of mineworkers in the past, the situation of ex-miners with CWP in the present, compensation systems for ex-miners with CWP, and compensation politics for industrial injuries schemes. These sub-categories can again be divided into more detailed categories. Therefore, the categories become classified into detailed sections. According to these categories, accumulated data have been re-arranged and coding starts in the categories respectively. Activity for coding naturally accompanies memoing. The activity for memos is in relation to the advancement and conceptualization of arguments in this thesis and goes toward drawing conclusions. In this step, memos were reorganized and discussed bearing in mind the research questions and the concept of the 'deficiency of politics', which is the main concept in this thesis.

The more times the process of coding and memoing are conducted, the clearer the arguments and concepts become. These processes take data analysis from data collection through data reduction and displays to conclusion drawing and verification. There is no doubt that these activities form an interactive, cyclical process. In fact, in the beginning, by drawing a research question, this thesis already has some conception of a provisional conclusion as well as selected subjects and cases for analysis and these help to carry out data reduction and displays

in operations of coding and memoing. During these activities, conceptualization and findings have been revised in the circle of concurrent or sequential data reduction, data display, drawing and verifying conclusions.

Ethical Considerations

Social research involves ethical issues because data collection is likely to be directly related to the personal lives of interviewees (Sarantakos, 1998: 218; Punch, 1988: 280). In particular, issues mainly tend to occur in the area of fieldwork which is “characterized by long-term and intimate participation in the daily life of the people being studied” (Frankfort-Nachmias and Nachmias, 1997: 298) or asking people about public or private information.

As written above, there are two types of data in this thesis, documents (primary and secondary), interviews (primary and secondary). The primary and secondary interviews of these data seem to be closely related to ethical issues. This is because while documentary data have been collected from already published materials or declassified government documents, the use of the interviews requires permission from the participants or the researchers who conducted the secondary interviews. In particular, the reason why the ethical considerations may matter in this thesis is because it is attempting to discover the internal processes of policy-making and compromises made by actors who may be reluctant to open this up.

In regard to the ethical issue, the areas particularly considered are: potential deception, informed consent, respect for privacy and confidentiality and protection from risk and harm. This is because these issues have been regarded as essential areas.

The problem of potential deception means that researchers will sometimes conduct studies using a false identity in order to gain access to the field. The concept of informed consent can be summarized as the right of interviewees to be informed that they are being interviewed for research purposes and for them to understand the nature of the research (Frankfort-Nachmias and Nachmias, 1997: 298; Yang, 2005: 64).

The issue of potential deception occurs when respondents may perceive a researcher as a source of material resources, political connections or social prestige (Frankfort-Nachmias and Nachmias, 1997: 299). There are few problems in the interviews in Britain because all the interviewees knew the researcher's position as a PhD student from the contact with them. However, there may be a problem in Korea where the author previously worked for an institute under the Government. In other words, the author could be identified as a researcher working for the Government and this opens the research to potential deception. To solve this ethical issue, no career history was given for the author, and if someone was being who may already know this information, they were told the author's current position very clearly.

In the case of informed consent, as a basic ethical issue, prior to interview research, the Miles and Huberman Framework guidelines and checklist were followed. In practice, interviewees were given information about the purpose, intention, content of questions, method of interview etc. when arranging the meeting, and this information was confirmed again just before the start of interview. In particular, these interviews were recorded with the consent of interviewees and permission was gained to use the interviews for this thesis. All the participants agreed with the plan and it is thought that their positive attitudes come from their official positions and keen interest of the comparative social policy.

Interviewees' approval was also required for the use of the secondary interviews from the Scottish Mining Museum. Permission to

use these interviews was confirmed by a person in charge of the library who said there was no problem as the materials are already in the public domain with the consent of interviewees.

Furthermore, the study has tried to respect the ethical principles of 'Privacy and Confidentiality'. In reality, personal privacy in the research is related to confidentiality and I think that, quoting Punch, "the major safeguard to place against the invasion of privacy is the assurance of confidentiality" (Punch, 1994: 92). In this study, the respondents in the primary interviews tend to represent the official stance of their respective organizations and the issue of anonymity is less important to them than interviewees in the secondary interviews. Therefore, for the primary interviews this thesis gives private information in limited categories of name, position, career etc. However, the interviewees in the secondary interviews, except the interviews from the Miners' Library, are mainly members of the general public. Therefore, this thesis guarantees their anonymity and respects the right to privacy of the interviewees. In addition, this thesis ensures confidentiality by not breaching informed consent.

In addition, interviewees should not suffer harm or embarrassment as a consequence of research (Punch, 1994: 92). Harm and risk as an ethical issue is related to a concern that interviewees might be hurt due to this thesis. This issue occurs if there may be a possibility of potential harm to participants during the process of data collection or as a result of the publication of data (Bulmer, 2001). This thesis avoids this problem with the observance of informed consent. In other words, in an attempt to maximize the protection of the participants by maintaining informed consent and guaranteeing confidentiality, the potential for harm and risk as an ethical problem will be minimized. In addition, if it is decided that there may be the possibility of harm and risk to some

respondents, this will be solved by showing them how it is intended to use their interview before publication.

CHAPTER 3. MINERS AND CWP IN BRITAIN AND KOREA

1. Mining Industry and Working Conditions in Britain and Korea

Development of Mining Industry in Britain and Korea⁴¹

It is no exaggeration to express that in the industrialisation era, ‘the true source of Britain’s wealth was coal’ (Anderson, 1982: 7) and its industrial development was based on its coal supplies (TUCGC, 1936: 5; Allen, 1981: 1; Burton, 1976: 39) in Britain while coal was also a very important energy resource for industrialisation and the coal industry had been fostered intensively as a strategic industry, especially since the 1960s in Korea (Yoo and Won, 1991: 31)

There are three phases of development for the coal industry in Britain: before nationalisation, which started in 1946; from nationalisation to rationalisation, which had been tried since the late 1950s; and after rationalisation and individualisation of pits.

Until 1946 when it was nationalised, the coal industry was in private hands, operated by a great many companies, with some operating only one small pit, and others being large and owning a group of several pits (NCB, 1983: 4). This ownership structure was criticised because it brought many problems such as low competitiveness in the coal industry and bad working conditions (TUCGC, 1936: 6; FRG, 1945: 5).

⁴¹ See Appendix C and D

There had been efforts made to move towards greater national centralisation or nationalisation by the Government and trade unions and for this there was the Sankey Commission (1919) and the Coal Mines Act (1930). The Coal Industry Nationalisation Act of 1946 was finally introduced by the Attlee Labour Government. The National Coal Board (hereafter NCB)⁴² was established by the Coal Industry Act as a wholly state-owned corporation and, accordingly, assets owned by some 800 different private companies, including 980 collieries, passed into public ownership (Lloyd, 1985: 2; NCB, 1983: 4). This meant that NCB became the largest single coal company in the Western world (Morgan, 1989: 6). It was expected that nationalisation, that is, a state-owned company or public corporation, would lead to enhanced productivity and an improvement in working conditions. In the first ten years after nationalisation, the industry's main concern was to meet the rapidly rising demand, both inland and for export to Europe. Total production gradually rose to 214 million tonnes in 1952 and remained almost at that level until 1958. During this period, the number of miners employed was around 700 thousand. This was thanks to an increase in coal consumption from 190 million tonnes in 1947 to 230 million tonnes by 1955 (Robinson and Marshall, 1985: 18). However, an ominous shadow of crisis was passing over the coal industry in the late fifties because coal consumption decreased as it started to be replaced gradually by other alternative forms of energy, such as oil and gas (McIvor and Johnston, 2007: 150; DTI, 1971).

Before so-called 'oil shocks', and with the price of oil rising about eightfold between 1973 and 1979, the importance of coal was recognised; accordingly, in the 1970s there was a temporary recovery in the coal industry. Through a tripartite compromise, the Government adopted *The Plan for Coal* (1974), which brought about capital

⁴² In 1987, the NCB changed its name to the British Coal Corporation.

expenditure for the expansion of deep-mined coal and the introduction of new mining technology (Bromley, 1992: 105; Lloyd, 1985: 4; NCB, 1983: 11). However, it seemed that the coal industry could still not overcome its inherent problem. Oversupply problems had been deepened and stock of coal was accumulated little by little as coal consumption was gradually contracted (Lloyd, 1985: 2). In addition, coal came to be seen as an increasingly expensive and unattractive source of energy (Morgan, 1989: 11). Nevertheless, until the 1980s, the NCB attempted to maintain unprofitable mines, financing them from profitable ones, in order to secure coal supplies and to mitigate the social effects of unemployment (Morgan, 1989: 14). However, in front of the general economic slowdown and advent of Margaret Thatcher's Conservative Government, the rationalisation of the coal industries was unavoidable. During the process of pit closures, there was furious resistance of mineworkers and this peaked in a year-long strike from 1984 to 1985. The historical defeat of NUM led to rapid rationalisation of the mining industry. 'Within 12 months of the end of that strike, 39 collieries had closed and more than 60,000 employees had left the industry' (Morgan, 1989: 6), and "deep-coal mining had virtually disappeared in Britain by the 1990s" (McIvor and Johnston, 2007: 27-28). In addition, the coal industry was privatised in 1995.

In the case of the coal industry in Korea, there were three distinct phases in the development of the mining industry: before 1945, Korea achieved independence from Japan; from decolonisation to rationalisation of the mining industry in the late 1980s; and after rationalisation of the industry (refer to FKCWTU, 1974; KOCOAL, 2006; Yoo and Won, 1991: 15-43; Nam, 1991; SJC, 2001: 13-60).

In the first phase (1910-1945) in which Japan ruled over the Korean Peninsula. Japan tried to develop the coal industry from the 1920s, when it promoted a continental supply base. The trial for exploitation of

coal was conducted by Japanese big companies. Therefore, the capital monopolised the development and management of the coal industry in Korea. The new phase in coal mining began with decolonisation in 1945. After the American Military Government Office, which ruled over the southern part of Korea rather than Japan for three years (1945-1948), a new government in the southern part of Korea (South Korea) was established in 1948. The Government introduced 'Korea Coal Corporation Law', which prescribed funding for the Korea Coal Corporation, a government-owned company that was established on 1st November 1950. The Korea Coal Corporation Law had played a vital role as a backbone industry and had been greatly devoted to the stable supply of energy since the Korean War (1950-1953) (SJC, 2001: 24; KOCOAL, 2008). As well as the state-run coal company, there were many private companies in Korea. The majority of coal mines had been in private hands and the majority of private mines were small-scale businesses. By and large, small mines, which produced below 100 thousand tonnes per year, equated to 80-90% of all mines, but their coal production was just below 30% of total production. This shows that there were lots of small-scale mines (Ann, 1988; Nam, 1991). Since the early 1960s, private mining companies had produced over 50 % of total production and this amount reached nearly 80% in the late 1980s (Seo, 1993: 43-44).

There is no doubt that the momentum of rapid development of the coal industry was the advent of the Park Regime, which took political power by military coup in 1961. The Government tried to develop the mining industry to meet energy demands in the process of import-led industrialisation (Ann, 1988: 14). In order to give impetus to the increase of coal production, the Government introduced the so-called 'TCL': 'Temporary Law for Coal Development' (31 December 1961), 'Temporary Law for Coal Industry Protection' (4 August 1969) and 'Temporary Law for Coal Demand & Supply' (29 March 1975). These

laws comprised protection of the coal industry, provision of the special position of the coal industry, and regulation for supply and demand of coal.

As a result, 3.6 million tonnes of coal was produced in 1955 and about 5 million tonnes in 1960. The production of coal annually increased by 35% during the first part of the 1960s and total production reached 10.5 million tonnes in 1965. As a result, the production of coal increased up to 192% in the 1960s (Yoo and Won, 1991; SJC, 2001; Nam, 1991: 43; Seo, 1993: 20).

However, the primary energy in Korea had changed from firewood and rice straw before the 1950s, through coal (anthracitic) in the 1950s and 1960s, to oil since the 1960s. After the first and second oil shocks in the 1970s, there was a change of energy policy. The Government tried to produce coal at its maximum. The lean-to-one-side policy towards maximisation of coal production, however, resulted in an imbalance between supply and demand in that coal consumption lagged behind its production. In addition, the policy was faced with a drop in oil prices, revaluation of the Won currency, and deterioration of mining conditions due to gradually deepening drifts. Furthermore, cheap and good quality foreign coal also caused a crisis of the Korean coal industry. On the other hand, the clean energy policy for the Seoul Olympic Games in 1988 dropped the demand for coal in the metropolitan area.⁴³ These factors resulted in an increasing level of the total stock of coal. For example, there was about 1.1 million as stock in 1988, which reached 44% of total coal production. Therefore, there were many coal mines that went into bankruptcy and delayed in payment. Likewise, there was an

⁴³ Over 90% of anthracite produced was used as household briquette, but since the late 1980s, the consumption had been quickly decreased because of the change in household energy (petroleum, LNG, electricity), resulting from an increase in national income and government regulation on pollution (Nam, 1991, 52: 142).

overall downturn in the coal industry in the 1980s (Yoo and Won, 1991; Won, 1996). As a result of coal industry rationalization of the Government, from 1989 to 1994, 303 of the 355 mines in Korea have been closed or abandoned, and 31,535 miners left their workplace (Kang, 2000:34). By 2004, there were just nine coal mines in operation, employing no more than 6,500 miners.

As described above, the industry was a main engine for industrialisation and had employed a higher number of workers than any other industry. In addition, the life cycle of this industry is also similar, although the industrialisation in Britain does not synchronise with the one in Korea. After rapid growth, the industry was discarded under the pretext of industrial rationalisation in the 1960s in Britain and the 1980s in Korea.

However there was a big difference in ownership structure. Since the Second World War, Britain nationalised main industries including the coal industry, whereas privatised mines in Korea played a key role in coal production. The difference creates a great gap between the two countries in terms of working conditions, type of trade unions, scale of mines, and so on.

Miners, Working Conditions and Industrial Injury in Britain

Whether it takes place in Britain, Korea or elsewhere, coal mining has always been a dangerous occupation and hard work, and it is widely accepted that there is a huge combination of dangers, health hazards and discomfort in the working conditions (Morgan, 1989: 1; Allen, 1981: 93-94):

The working atmosphere in an underground coal mine is usually hot, close and damp. ... Coal extraction inevitably produces much dust, dirt and gas... The physical working environment is naturally unstable and,

consequently, prone to collapse, flooding and gas ignitions (Morgan, 1989: 1).

Men descend as far as 3,000 feet below the surface ... They travel as far as 5 miles from the pit bottom to the face by man-riding facilities and on foot ... They work in coal seams as narrow as 18 to 24 inches ... They have to protect continually, vigilantly, against floods of water, gas explosions, falls of rock (Allen, 1981: 93-94).

As can be seen above, workplaces in mining have the worst working conditions and, especially, they have been recognised as a base for occupational diseases such as pneumoconiosis, emphysema, bronchitis and other respiratory diseases, due to the greatest exposure to dust.

Table 3-1 Accidents in British Coal Mining (a)

				Annual rates per thousand persons		
				Death	Reportable or serious injuries	Total number of injuries (b)
1913	1,753	5,675	177,189	1.55	5.0	157.1
1930	1,013	3,812	166,281	1.07	4.0	176.2
1936	790	3,117	135,968	1.02	4.0	174.8
1940	923	3,237	146,388	1.20	4.2	190.3
1945	550	2,353	181,059	0.76	3.2	249.4
1950	493	2,020	237,833	0.68	2.8	328.3
1955	425	1,889	217,305	0.58	2.6	296.5
1960	317	1,573	192,576	0.51	2.5	311.9
1965	216	1,159	206,235	0.45	2.4	428.9
1967	151	982	165,790	0.36	2.4	399.2

Source: MOP, 1967: 62.

In particular, before the twentieth century coal mining was synonymous with an extremely hazardous industry, with high injury and mortality rates (McIvor and Johnston, 2007: 309). It was not until 1799 that fully-fledged slavery was abolished, but by the first half of the nineteenth century, even children as young as three and four years old were found

working underground ⁴⁴ according to the Reports of the Royal Commission on the Employment of Children in Mines (1842):

Young females, dressed like boys in trousers, crawling on all fours, with belts round their waists and chains between their legs (the Reports of the Royal Commission on the Employment of Children in Mines, 1842; recited in Walker, 1979: 49-50).

At the end of the nineteenth century, almost half of all deaths of 15 – 20-year-olds in mining communities were due to injuries sustained in pit work. Despite a fall in injury and death rates since the 1850s, it was still the case in 1914 that a miner was killed in Britain every six hours, and severely injured every two hours (McIvor and Johnston, 2007: 41; Benson, 1980: 43; Church, 1986: 582-87). However, the accident rate in Britain was not high compared to other countries at that time. The table below shows that the fatality rate in Britain was higher than that of Belgium, but lower than that of Germany and the USA.

Table 3-2 Death Rate from Accidents per 1,000 in Leading Coal-producing Countries, 1896-1912

Annual Average	UK	USA	Germany	France	Belgium
1896-1900	1.32	2.85	2.38 ¹	1.23	1.11
1901-05	1.29	3.24	2.02	1.09	1.01 ²
1906-10	1.39	3.68	2.23	2.29 ³	0.99
1911-12	1.17	3.41	2.26	1.29	1.07

Notes: 1.Relates to 1897-1900, 2.Relates to 1902-1095, 3.Distorted by unusually high death rate in 1906.

Source: Buyton, 1978: 142.

⁴⁴ The coal mining labour force included those who worked below ground and those who worked on the surface. Above ground were those responsible for screening, grading and cleaning the coal in preparation for transport from the pithead to customers. They included many older miners who were too unfit and physically incapable of working underground, up to the Second World War. In some districts (such as South Wales, Lancashire and East Scotland) these also included several thousand female workers (women working underground had been banned by legislation in 1842) (McIvor and Johnston, 2007: 28). On the other hand, women were employed on the surface until the 1960s in some areas, principally Lancashire and Scotland. Dragging tubs, working the tripler and picking coal on the screens was backbreaking work (NUM, <http://www.num.org.uk/>).

By 1936, the number of persons killed annually had dropped to 790, and to 550 by 1945. The number decreased again to 151 in 1967. Likewise, the incidence of fatal accidents has dropped dramatically. This is due to the great improvements in mining techniques and safety measures since the First World War, but especially since the nationalisation of the mines (Anderson, 1982: 58; NUM, <http://www.num.org.uk/>).

Compared to other industries, the mining industry had the highest fatal accident rate, as can be seen in Table 3-3. The proportion of persons injured by accidents in coal mines in 1932 was exactly ten times higher than in factories, and about twice as high as at the docks and in other industries.

Table 3-3 Fatal Accidents in 1932

Occupation	Fatal accidents	Fatal accidents per 1,000 employed
Mines	907	1.11
Shipping	138	.77
Docks	63	.68
Quarries	50	.71
Constructional Work	71	.35
Railways	202	.45
Factories	540	.11

Source: TUCGC, 1936: 15.

In terms of working hours, in the 1890s coal miners were amongst those working the lowest hours, at 47-55 per week, while it was not uncommon for foundry labourers to work 72-84 hours per week (see Table 3-4). There has been statutory regulation of mining hours since 1908, when the maximum was fixed at eight hours plus winding down time (about half an hour underground). In 1919, the maximum was reduced to seven hours. Following the 1926 dispute, the owners were empowered to increase hours to a maximum of eight (until July 1931), with the working day

extended to eight hours in all coal-related fields, with the exception of some select areas (TUCGC, 1936: 13).

Table 3-4 Nominal Weekly Working Hours in Britain, early 1890s

Miners	43-55
Construction	50-55
Printers	53-54
Engineering workers	54
Textile workers	56
Railway ticket agents	56-62
Brickmakers	54-69
Chemical workers	53-70
Railway guards	64-70
Paper workers	66-78
Bakers	70
Sailors	72
Foundry labourers	72-84
Retail clerks	82
Tailors	56-96
Restaurant waiters	96

Source: McIvor, 2001: 114.

On the other hand, the nature of mining work changed radically with the advancement of technology.⁴⁵ “The mechanisation⁴⁶ of coal production was a long, uneven and incremental process. The first machines designed to undercut the coal were developed in the middle of the nineteenth century” (McIvor and Johnston, 2007: 33). Throughout the nineteenth century, owing to the supreme position of British coal in world trade, there was no great incentive to improve mining practice. Compared to other industries, the productive methods at the beginning of the present century were little different in principle from those of 100

⁴⁵ The main changes were: “the shift from board and pillar (sometimes called ‘room and stoop’ or ‘pillar and stall’) to longwall methods of coal extraction; the application of mechanical power to hewing, drilling and tunnelling; haulage mechanisation with conveyor-belt coal transportation systems; integrated ‘power loading’ coal face machinery; power-driven moving hydraulic props; and improved lighting and ventilation methods, not least with electrification of the pits” (McIvor and Johnston, 2007: 33).

⁴⁶ There are usually three operations involved in coal-mining: undercutting the coal, getting it down, and conveying it to the shaft (TUCGC, 1936: 10).

years previously. By 1934, nearly half of the coal produced was cut by machines; the horsepower of electric motors below ground was over 1,000,000; 30% of the coal output was conveyed mechanically (TUCGC, 1936: 10).

Table 3-5 Power Loaded Output and Mechanisation

Year	% of output power loaded	% of output mechanically cleaned
1930	-	29.8
1937	-	43.8
1947	2.4(i)	48.3 (i)
1950	3.8	52.1
1955	9.9	57.9
1960	37.5	62.1
1965	80.7	65.2

Source: MOP, 1967: 62.

“One of the most important strategies during the nationalisation era was power loading. Between 1947 and 1957, the proportion of power loaded coal in the UK rose from 2% to 23%, and at the end of the next ten years the figure had jumped to 86%, with 90% of British coal being power loaded by the 1970s” (McIvor and Johnston, 2007: 151).

Miners, Working Conditions and Industrial Injury in Korea

There were no women and children in underground work in mines in Korea because the coal industry was started under Westernised labour laws, in which they were prohibited from working inside a drift. However, this did not mean that the working conditions in Korea were similar to that of contemporary Western society from the late 1940s onwards. In contrast, Korean miners worked in different conditions to contemporary Western miners and expressed their working conditions as ‘a hell on the earth’:

Because of about forty degrees terrestrial heat from a hundred or thousand metres of underground, cave-in of mine roof, heavy and intensive working in dusts of stone, coal and clouds of smoke from powder explosion, any healthy man becomes as good as a living dead in several years (Ann, 1988).

Regarding working hours, the labour-related laws stated that miners who worked in a noxious or hazardous workplace should be limited to work under 6 hours per day and under 36 hours per week. However, miners in fact worked 8 hours per day and 48 hours per week from entry into the workplace to leaving the mines, without any allowance for overtime work. This is because mine employers did not regard time assigned in entry into drift, for example in time spent, preparation for work and leaving drifts, as working hours. This means that, in fact, miners worked two extra hours without payment (Pyun, 1994; Ann, 1988).⁴⁷

In addition, a three-shift system was carried out in pits. This implies that the pits were operated for 24 hours per day and miners were not able to rest for any significant duration. What is more serious is that miners had just two days holiday from work per month. In other words, employers wanted miners to work 28 days per month and so paid perfect attendance allowance when they achieved this quota.

⁴⁷Likewise, labour-related laws stipulated that six working hours per day covered from beginning to end. Mine operators maintained that the hours for entering and leaving a drift should not be included in the working hours. However, according to the principle that workers were in danger just after entering mines in most Western countries, six hours covered the period from entering to leaving. In addition, these countries adopted a four-shift system and the five-day working week. This is compared to the three-shift system and six-day working week in Korea.

Table 3-6 Labour Intensity According to Industry

	Calorie		
	Male	Female	
Bank and General Companies	2,300	1,900	0.5-1.0
Traffic, Print, Postal Services	2,600	2,100	1.0-1.5
Manufacturing	2,900	2,200	1.5-2.0
Agriculture and Construction	3,500	2,800	
Mining Industry	4,000		4.0-7.0

Note: 1) Calorie per day for Korean Adult: 2,400-2,700, Labour Intensity = (Consumption of Energy in Working – Consumption of Energy in Normal Condition)/Basal Metabolism.

Source: Nam, 1991: 149.

Working in the coal industry was generally recognised as very intensive labour. As can be seen in Table 3-6, the calorie, which was seen as an index of labour intensity, was highest at 4.0-7.0 in the case of coal miners, in contrast to 1.5-2.0 in manufacturing workers and 0.5-1.0 in white-collar workers. This showed that labour intensity in miners was a maximum of three times greater in manufacturing workers and over seven times than in white-collar workers (SJC, 2001: 41; Nam, 1991: 148).

In general, the coal industry is notorious for having bad working conditions. However, miners' working conditions in Korea had been recognised as being much more serious because there were many small coal businesses that rested mainly on manual labour. In other words, the coal industry needed much initial capital⁴⁸, but there were many small companies in Korea called a rented part of a mine or a subcontracted mine whose employers were not interested in mechanisation for digging coal. Likewise, the coal employers preferred dependence on labour power

⁴⁸ The coal industry necessitates a great sum of funds because it is necessary to accurately examine the situation of a coal seam underground. Based on this, a design of drift work and exploitation of work from the coalface was determined. Likewise, in the early stages, ample funds should be raised for a long-range and comprehensive development (Nam, 1991: 142).

of low wages rather than mechanised mining. Thus, miners were always at a structured risk (Ann, 1988: 18):

Of course, it was hard work. People at present cannot work in pits no matter how much money they can receive... There was no lantern. Instead, there was Gandrae [a carbide lamp which used gas as fuel] ... In former days, there was also an electric car. Therefore, through manpower, coal should be drawn to the outside. Our work was great hardship (Kang, June 2003, recited in Yoo et al., 82).

On the other hand, working by hand, even in big pits that have relatively good working conditions and high mechanisation, was still conducted in the case of mining coal, digging in the ground and building a pit prop. Accordingly, increased productivity was greatly based on an increase in human strength (Nam, 1991: 147).

Thus, miners in Korea worked in extremely bad working conditions, much worse than those of contemporary Western miners, and were, without doubt, exposed to industrial hazards. It is generally acknowledged that there is a causal relationship between industrial disaster and labour hours, labour intensity and working conditions. This fact is helpful in understanding the high rate of industrial disasters in Korea. Namely, it can be explained in the context of the low level of mechanisation, high labour intensity under the contract work system, and industrial policy focusing on high economic growth. Following the introduction of Industrial Accident Compensation Insurance Act (hereafter IACIA) in 1964, there were, on average, around 200 deaths per year through industrial accidents, although after the 1990s, the mortality rate had fallen to about 40 workers (see appendix E).

Compared to other industries in Korea, the rate of industrial accidents in the coal industry was much higher. It is generally assessed that miners were exposed to industrial danger over two times more often than labourers in construction.

Table 3- 7 Workers' Deaths by Industrial Disaster, per million

	Rate per Million		
	Death	Total	
1977	6.0	136.9	42.5
1979	4.9	139.3	43.2
1981	7.8	133.8	50.8
1983	5.8	117.4	38.9
1985	5.6	102.5	38.6
1987	5.3	146.9	35.4
1989	6.5	133.5	38.0
1991	5.8	108.9	33.5
1993	5.5	101.4	26.4
1995	7.0	68.3	17.9
1997	6.5	69.1	21.4
1999	6.1	49.2	14.1

Source: FKCWTU, 2005: 432.

Table 3-8 Mortality per million tonnes in Coal Industry (unit: person)

Nation	America	Britain	Japan	Korea
No. of Deaths	0.2	0.4	2.6	9.15

Source: Ann, 1988: 29.

Compared to other countries, the rate of industrial disaster in Korea was very high. Korea was five times higher than the Philippines in terms of rate of frequency, and as much as 23.5 times higher than America in terms of the rate of deaths per million (SJC, 2001: 54). According to Table 3-8, during the process of digging one million tonnes of coal, 45 Korean miners died, while only a single American miner died. This is a tremendous difference.

2. Miners' Organisation and Compensation Politics around CWP in Britain and Korea

Trade Unions and Labour Politics in Britain and Korea

Trade Union Congress and Social Corporatism in Britain

Prior to 1824, trade unions were not recognised as a legal existence. However, since the creation of Trade Union Congress (hereafter TUC) in 1868, only a peak organisation of organised labour, trade unions had developed very quickly so that they could be recognised as the 'fourth' estate by 1945. For three decades after the war, trade unions enjoyed their political influence as an important partner of political groups.

There were several reasons for this. Firstly, during the two world wars, the image and role of trade unions changed decisively. Trade unions' officials worked unceasingly to improve industrial relations and to increase output. Many of them assumed heavy additional responsibilities without complaint and with very little compensation (Pelling, 1987: 222). In particular, the unions could influence manpower policies that were vital to the war effort and had worked in partnership with the Government to administer those policies. Soon after the Second World War, the attitudes of the trade unions towards the Government were transformed from hostile to positive and the reverse was true (Barnes and Reid, 1982).

Secondly, the close relationship between TUC and the Government⁴⁹ could also make this possible. The trade unions had close

⁴⁹ General Secretary of TUC, Mr Vincent Tewson, mentioned: 'Our industrial and political organisation has developed side by side. That is perhaps the deepest and most significant change of all the changes that I have seen in my lifetime. And in my view,

organisational, financial and human links with the Labour Party. They were represented at Labour's annual conference, where their delegates could predominate by virtue of the block vote. Trade unions also enjoyed representation on Labour's National Executive Committee (Dorey, 1995: 17). In addition, unionists directly participated in politics. For example, Attlee found posts for six union-sponsored Members of Parliament of twenty cabinet members (Pelling, 1987: 226).

Due to this base, trade unions had been related to the formation and development of social consensus and social corporatism. First of all, trade unions had deeply contributed to the formation and development of the wartime and post-war consensus, which materialised into Butskellism and the welfare state. The consensus and Butskellism were similarly identified as 'a mixed economy, economically dominated by private industry but with an extensive industrial public sector, including coal, steel, the railways and the utilities, and a range of public services, including a largely universalist welfare state' (Baldock et al. eds. 1999: 25). Trade unions supported the trend and made active efforts. In other words, trade unions intervened to the introduction of social policy before and after the Second World War. For example, The Beveridge Committee was set up as a result of ceaseless and strong pressure from trade unions (Jones, 2000: 107). Beveridge also pointed this out:

The political background was that the General Council of the TUC for some time had been pressing the Government for comprehensive review of social insurance ... The Ministers [Minister of Health, Mr Malcolm MacDonald, Secretary of State for Scotland, Mr Ernest Brown] receiving the deputation [of Council of TUC] were sympathetic and promised action as rapidly as possible. Four months later their efforts materialised in the appointment of the Inter-Departmental Committee (Beveridge, 1953: 296).

fellow delegates, we are on the threshold now of still more profound and far-reaching changes in the relations of our Movement with the industry and with Government' (TUC, 1946: 10).

Also, the policies of the Labour Party had been carefully coordinated with those of the TUC by the interlocking of membership on drafting committees (Pelling, 1987: 226). This meant that trade unions could intervene in social policy through the Labour Party. For example, from 1940 to 1951, trade unions had had a great influence on political areas. Trade union representatives continued to sit on a variety of governmental committees after the war, addressing a whole range of economic, industrial and social issues, and helping to formulate policies in these areas. This shows that the Labour Party and the trade unions shared a great many policy objectives and political goals, and consequently found it desirable, even necessary, to work together (Dorey, 1995: 18).

The 1970s is characterised as the period of social corporatism in Britain. Regarding corporatist body and practice, there had been the corporatist body National Economic Development Council since 1962. This was created by the Conservative Government for the discussion of economic problems and negotiation between economic subjects (Kavanagh, 1996: 199). The high point of a corporatist characteristic was usually found in the 'social contract' of the 1970s. In this period, corporatism seemed to become an important part of British political life. For this, Middlemas (1979) maintained that Britain could be called corporatist or tripartite and Kavanagh (1996) recognised this period as the 'corporatist' phase.

As discussed briefly, during the so-called Golden Age of the welfare state, based on political consensus and corporatism, trade unions had enjoyed their power and influence in governmental and industrial areas. This meant that trade unions played a main role in the growth of the welfare state and socio-economic policies through tripartite bodies, and participation and policy-making in the Labour Party. This phenomenon was presented in the level of industries. In this context, there

had been social corporatism in the mining industry, especially around the 1970s.

NUM and Labour Politics in Britain

With regard to development of the Labour movement⁵⁰ in the mining industry, there are distinct periods in accordance with the national level of industrial relations: before nationalisation, from nationalisation to privatisation, and after privatisation. The second period will be examined mainly in this part because the IIS and the CWPS were introduced during this period.

In the early part of the eighteenth century, there was almost no organisation among the mineworkers. Disputes between miners and employers could easily flare into riots and there was no regular pattern to this action (Burton, 1976: 43). Through the eighteenth century, miners started to organise their own organisations. Finally the Miners' Federation of Great Britain (hereafter MFGB) was created in 1889 as the first national trade union, which survived attack from employers and the Government (NUM, 2007).

The MFGB, which was affiliated with TUC in 1890, became the best-organised group of British workers, with over 900,000 members in the first two decades of the twentieth century (McIvor and Johnston,

⁵⁰ There are several types of workers' organisations in the coal industry according to objects of representation: NUM for blue collar workers, the British Association of Colliery Management for supervisory grades and salaried management staff, the Colliery Officials and Staffs Area for clerical workers, and the National Association of Colliery Overmen, Deputies and Shotfirers (NACODS) for colliery deputies and under-officials. This part will focus on NUM, which organised all the non-supervisory and non-clerical workers in and around collieries by a 'closed shop' agreement with NCB, because it represented the vast majority of miners in the mining industry and industrial relations in this industry have been developed between NUM, the Government and employers. On the other hand, wage earners in coalmining are divided into three main categories. These are underground face workers, underground construction and maintenance workers, and surface workers (including various types of ancillary workers and clerical staff). There are, in addition, supervisory grades and salaried management staff (Morgan, 1989: 16).

2007: 44; NUM, 2007). The MFGB campaigned not only for higher wages, but also for a five-day week, a further reduction in working hours and, significantly, nationalisation of the coal industry (NUM, 2007) through collective bargaining, strikes⁵¹ and state politics. In 1909, the MFGB affiliated with the Labour Party and within a year was sponsoring eighteen Members of Parliament. In the general election of 1924, the Labour Party won 151 seats, of which 40 had members sponsored by the MFGB. The miners' Members of Parliament acted in parliamentary debates and party discussions in the interests of general miners or their own coalfield miners (NUM, 2007; Howell, 1996: 40-41).

However, the MFGB, before nationalisation of the mining industry, was a loose federation of autonomous unions⁵² and this limited its effective operation. This is because district unions existed based on a variety of formulae, ideologies and histories, with their own myths, symbols and ethos. The influence of the Federation on their district organisations was also extremely weak. Only three, or very occasionally four officers were employed by the MFGB and the national officers had no power to pursue a national policy (Barou, 1947: 237; Howell, 1996: 35-36).

In 1944, a powerful new national organisation for miners, the NUM, was formed to overcome the existence of a separate and loose type of federation. It clearly pointed out its purpose:

... advance and protect the interests of members in relation to questions of wages, hours holidays, conditions of employment, safety,

⁵¹ Strikes of miners were accompanied by endeavours to protect their skills, enforce areas of control over their labour, and collective terms. Miners were among the first non-craft workers in Britain to organise themselves at work into combinations or unions (Douglass, 2005: 2).

⁵² 'The individual districts differ greatly in strength and importance. Numerically, the strongest groups were, in 1944, those in Yorkshire with 115,000 members, Durham with 106,472, South Wales with 100,000, Scotland with 51,000, and Lancashire with 40,000.... These were the more difficult to overcome in that they reflected differences in the history, regional customs and technical outfit of the coalfields' (Barou, 1947: 237).

compensation and all other questions arising out of and/or in connection with the members' employment or occupation (NUM, 1974: 3(b) of Rules).

In the immediate post-war years, the NUM was virtually a closed shop with around 700,000 members. The NUM was also affiliated with the main Labour Movement Federation, the TUC, and a progressive political party, the Labour Party (Morgan, 1989: 16). In addition, “in the early years of nationalisation, the NUM developed a supportive and co-operative relationship with NCB and wielded considerable influence within this largely consensual relationship” (McIvor and Johnston, 2007: 203).

During this period, strikes were still the measures taken to embody miners' demands. Collective activity rose in the late 40s and 50s to a peak in 1956/57, when nearly 75% of all reported stoppages were in coal. These were almost all confined to one pit at a time and were mainly over wages, especially the rates set by piecework. The reform and progressive standardisation of the wages system, culminating in the National Power Loading Agreement in 1966, tended to work against these strikes, and they declined in the 1960s despite the high rate of closures. From the late 1960s, strike activity grew again: between 1969 and 1972, the NUM leaders had to run to keep control of a wages militancy that surprised and temporarily disoriented them. There was a series of disputes in Yorkshire in the late 1960s and the failure to get a national strike in 1970 did not stop strikes in South Wales, Scotland and parts of Yorkshire. The NUM fought and won two national stoppages over pay in 1972 and 1974. The 1972 strike was preceded by an overtime ban and lasted from 9 January to 28 February. In 1974, after a second national strike and a general election that brought further substantial rises in minimum rates, average earnings went up sharply once more to £43.40 in that year and to £61.50 in 1975 (Lloyd, 1985: 5).

On the other hand, there had been machinery for joint consultation in the coal industry, such as joint consultative councils and conciliation committees at national, divisional, area and pit levels. The wartime Greene Tribunal of 1942 established a national procedure with compulsory arbitration for the first time, whereby unresolved district questions could be carried to a Joint National Negotiating Committee and then, failing agreement there, to a National Reference Tribunal. This procedure was adopted by the nationalised industry and the conciliation and arbitration scheme was set up under the Nationalisation Act (1946). Early reports of the Coal Board reveal great enthusiasm for joint consultation, which was seen as a means of promoting unity, a method of tapping the knowledge and experience of the labour force, and a channel for communications (McCormick, 1979: 58; Jencks, 1966: 97). Likewise, the NUM worked with the NCB to move to a nationally negotiated day wage structure, the keystone of which was the National Power Loading Agreement of 1966. The union also co-operated over the pit closure programme of the 1960s, letting jobs go in the hope of securing benefits for the survivors. The NUM secured the Plan for Coal (1974) through a social contract with the Labour Government. This appeared to give the miners security, allowing the old consensus to return (Morgan, 1989: 17-18).

The corporatist period had been changing through Thatcher's Government with the ideology of neo-liberalism. Thatcher's policy for privatisation, especially pit-closure programmes in the coal industry, was bitterly opposed by the NUM, and resulted in the 1984/85 British miners' strike. The aftermath of defeat of the strike was profound because the NUM had been losing their influence in political areas and their own members, with national agreements with the Government and the NCB terminated, including conciliation procedures and consultation, which, in turn, dramatically accelerated the pit-closure programme (Morgan, 1989:

55; Douglass, 2005: 27-42).

FKTU and State Corporatism in Korea

Against the leftist labour movement led by the 'National Council of Trade Unions', during the three years of the nation's liberation from the 1910-1945 Japanese colonial rule, an anti-communist labour organisation named the 'Korea Trade Union Federation' was created in 1946 by right-wing politicians under the help of the American Military Government, and soon took the initiative on the leftist labour unions. Whereas the progressive labour movement went out of existence in the late 1940s until the democratic labour movement appeared in the 1970s, the Korea Trade Union Federation was reorganised into the 'Federation of Korea Trade Unions' (hereafter FKTU) in 1960 by the military junta and existed only as a national workers' organisation until the organisation of the Korean Trade Union Congress in 1990, which was a confederation of democratic trade unions and became the Korean Confederation of Trade Unions (hereafter KCTU) in 1995.

On the other hand, during the rapid economic growth between 1960 and the mid-1980s, the Korean developmental state for price competitiveness in the export market and rapid economic growth was characterised by factors such as low wages and long working hours, massive investment and mass production by *Chaebols*, and state repression of labour resistance against factory tyranny, as can be guessed by the organisation of trade unions. This means that there was a strong labour discipline system in the workplace and no participation of trade unions in labour politics.

During this period, the labour movement was held in check by the government or the employer. Workers were subjected to unitary industrial relations in which they were regarded as being subject to management,

and their existence and rights were severely limited. Under the strong barrack-like control of the state, the FKTU functioned as an economic entity abiding by the ‘growth first, distribution later’ logic, the anticommunism, and the economic-growth promotion policy. The FKTU had had a perspective of the economic growth-first ideology from the outset, as was shown in their organisation platform:

The dawn of New Year starts for overcoming a serious economic crisis and deciding the fate of our country to hang in the balance. Raising a beacon of the Military Revolution, we, workers, do our best in nation-building for modernisation (FKTU, “Platform” in Annual Report, 1979: 573).

Also, the FKTU maintained its stance of ‘anticommunist labour movement’, which was the same with the Government. Bae Sang-Ho, president of the FKTU, gave an opening address on 19th January 1974 as follows:

Some religious organisations, including the Urban Industrial Missions, which infiltrated the front line of our organisation, are continuing to manoeuvre behind the scenes. This results in a labour-management dispute and disruption of our organisation. We vowed to explode the just power of deterrent, crush all who had infiltrated our organisation and completely eliminate them from the face of the earth with the mettle to overthrow the National Council of Korean Labour Unions in the old days (recited in Min, 1989: 46).

As mentioned above, the FKTU yielded to the political discourse of government and accepted the policy of the Government without reserve. In other words, the union was a faithful supporter in the 1960s and 1970s. Likewise, the FKTU did not have a minimum independence from the state and management but was merely a subordinate to the favours granted, relying on strategic decisions made by the Government and management. In particular, the institutionalisation of the enterprise union system by the authoritarian state caused the structure of labour unions to

be fragmented at the enterprise level, and confined the activity of labour unions to purely economic activities. Thus, the FKTU's leaders were isolated from their rank-and-file members and its activities were limited just to the narrow petition of workers' rights, especially wage increase. In fact, the legal, administrative, and physical repression over the workers' basic rights under the authoritarian labour regime made it impossible to have autonomous collective bargaining between the management and union (Choi et al., 2001).

Under the then authoritarian rule, there was no participation of trade unions in social policy and state politics. If there had been, it would have been a pseudo-machine for consultation, which could have been recognised as 'state corporatism' (Choi, 1988; Schmitter, 1974). This was based on labour-exclusive, tripartite developmental coalition. In other words, bureaucrats, big companies, rightist trade unions etc. had formed dominating coalition, called developmental coalition, since the industrialisation. This meant that independent trade unions had been excluded in this coalition and workers were working in extremely bad conditions for the sake of modernisation of the fatherland. On the other hand, this regime did not permit any resistance against this coalition, the ideology of developmentalism and anti-communism. In this context, 'the model of political economy called "the developmental model" can be identified as a "government-led growth strategy and authoritarian political regime"' (Choi et al., 2001) or 'state-dominated alliance' (Shin, 2003: 77-78). It is natural that the coalition and the developmental model made 'a negative contribution to welfare policy development' (Woo, 2004: 35).

To sum up, before the political democratisation and the Great Workers' Struggle in 1987, industrial relations in Korea were characterised as labour control by despotic domination in a military fashion.

It was natural that Korean economic growth with trade unions,

subordinated to the Government, was accomplished by sacrificing a worker's health. In fact, 'Korean industrial accident rates were very high from the early period of industrialisation up to the middle of the 1980s. During the period 1978-80, for example, 126,250 accidents occurred each year involving 127,641 workers. During this period, 1,402 workers died each year from workplace accidents. These rates were comparatively very high. Korea's industrial accidents rate in 1976, for example, was five times that of United States and England, and 15 times that of Japan' (Koo, 2001: 54-55).

The period from 1987 to 1997 can be defined as the 'recognition period of the labour movement as a social entity'. With the Great Worker Struggle in 1987, so-called democratic trade unions were organised against the existing trade union, FKTU, which had been criticised as yellow unions or company unions, and resisted authoritative control over the labour movement. As a result, workers continued to demand and attain high wage increases and dramatic improvements in working conditions. During this period, the general strike for labour law revision at the end of 1996 and the beginning of 1997 served as the opportunity for the labour movement to firmly consolidate its presence as a fully-fledged social entity. Through the onset of the financial crisis at the end of 1997, a period of 'coexistence of compromise on and resistance against globalisation and restructuring' began. A tripartite body of labour, management and the government, including the group of democratic trade unions, the Korean Tripartite Committee, was established in 1997 (Yoo, 2005).

FKCWTU and Labour Politics in Korea

The modern mining industry and the labour movement in this industry began in the period of the Japanese colonial rule. The representative

strikes in this period were the 1928 graphite miners' strike in Youngheong and the 1930 miners' strike in Shinheong (FKCWTU, 1974). The strikes were conducted by the leftist trade unions and after the liberalisation in 1945, there was miners' self-governing management in some mines under the leadership of National Council of Trade Unions. However, after the establishment of the Government in only the southern part of Korea, unilaterally supported by the American Military Government, a miners' organisation was set up under the leadership of right-wing groups and this union was reorganised into the Federation of Korean Coal Workers' Trade Union (hereafter FKCWTU) by the military junta soon after the 5.16 military coups (Nam, 1991: 155-156).

The developmental state based on authoritarianism tried to secure fuel for industrialisation with repression of the labour movement on behalf of mining companies through the police, army security guards, the National Intelligence Services who conducted dismissal strikes, surveillance, arrest of leaders of the labour movement etc. (Ann, 1988).

There was an industrial union for miners called the FKCWTU, which was created in 1949. Its density and power of combination were very high. The rate of entering the union reached about 80%, such as 66.7% in 1964, 85.8% in 1977, and 68.8% in 1985 (Kangwonilbo, 6 June 1986; Park and Park, 1989: 31-32). By company size, trade unions were organised in most mines more than 300.

The type of FKCWTU was based on an industrial union but the factual function was confined in an enterprise union. In the constitution of FKCWTU, the right to strike as well as collective bargaining was subjected not to the FKCWTU but to a branch or a federation of branches. This resulted in collective bargaining by the company (FKCWTU, 1980).

The ideology of FKCWTU on base was similar to the FKTU and the developmental state. The first slogan of the establishment of FKCWTU was 'Overthrowing the National Council of Trade Unions, the

leftist labour movement, and Struggle for Anti-communism and National Salvation' (FKCWTU, 1974: 41). This showed that the union functioned as an economic entity abiding by the 'growth first, distribution later' logic, anticommunism, and the economic-growth promotion policy in accordance with the developmental government. Likewise, the FKCWTU was also not independent from government like all the trade unions under the FKTU before the 1980s. The executive members of FKCWTU were interested in concession hunters for themselves and even repressed workers' strikes on behalf of employers and the authoritarian government. In this context, Ann states: 'The history of FKCWTU is a history of company union' (Ann, 1988: 57).

In this context, it is natural that a significant portion of activities of FKCWTU had been to make a recommendation to the Government for the growth of the mining industry through rising coal prices, subsidies to miners, effective energy policy etc. These activities were tacitly supported by coal-mine employers (Nam, 1991: 167). In other words, the FKCWTU limited its activities to the narrow petition of workers' rights, and there were few activities for state politics and no consultative machines between tripartite actors.

However, there had been strikes of miners in the mining industry, for example, the 1967 general strike for 48 hours in the Pungjeon District, the 1968 general strike for 48 hours in Seokkong Mine, petitions and the strike for withdrawal of 'Oil first and Coal second' policy in the 1960s, the 1980 strike in Sabuk, the 1985 strike in Jangsung mining station under the Seokkong Mine, and the 1986 strike in Kyeodong Mine. From time to time, the strikes were drawn from the FKCWTU and assessed as a yellow union or a company union. The features of these strikes are as follows: firstly, the main purpose was related to economic aspects, i.e. wage rises, rather than political issues; secondly, the strikes were conducted in large companies and this led to great wage disparity between small and big

companies; thirdly, these strikes were characterised as a kind of wild cat strike. In other words, the strikes occurred from the reluctant response of trade unions' leaders to demands and resistance of the rank and file (Nam, 1991: 161-162).

These characteristics in ideology, attitudes towards the Government and political activities of miners' organisations are the gist of the difference with the British miners' organisation. In this context, CWP was actively put on the table of collective bargaining, although the issue should be regarded as a subject of the main issues of social welfare and welfare politics (Yoo et al., 2001).

Role of Trade Unions for Compensation of CWP in Britain and Korea

Efforts of Miners' Organisations for Compensation in Britain

There have been controversial debates about the role of trade unions in compensation for industrial injuries and industrial diseases of workers in Britain. On the one hand, some scholars assert that unions, including miners' organisations, played a very proactive role in occupational health policy, not just in compensation struggles, but also in prevention and rehabilitation (McIvor and Johnston, 2007: 203; Burton, 1976: 39). On the other hand, others indicated that the 'trade unions had no overall policy regarding accident prevention, initiating very little legislation, and focusing instead on merely improving existing legislation and getting collective bargaining agreements regarding safety' (Clutterbuck, 1980: 144). The report proposed by the Robens Committee in 1970 showed an attitude of trade unions towards occupational health and safety as well as

compensation: ‘The single most important reason for accidents at work is apathy’ (Robens Committee, 1972: 25).

However, miners’ organisations seemed to be proud of compensation as well as occupational health and safety for miners. For example, the Miners’ Charter in 1945 showed forth “a conscious step in the direction of prioritising prevention, whilst continuing to maintain a strong union interest in compensation, rehabilitation and re-employment for pneumoconiotics” (McIvor and Johnston, 2007: 201):

The endeavours of the Union over the years to secure redress for our members who suffered chest ailments cannot possibly be adequately described in a document of this kind. The tale of woe which gave impetus and dynamism to these efforts does not lend itself to adequate portrayal on paper. However, it is vivid and commonplace enough as not to require emphasis among miners (Evans, 1963: 1).

As can be seen in their comments, miners’ unions are located in a special position of occupational health and safety as well as compensation, due to pits being amongst the most hazardous workplaces. Their activities can be found in their efforts for the provision of medical knowledge, introduction of relevant schemes, support for litigation of miners and employment of miners with pneumoconiosis. In terms of the struggle for medical knowledge, this will be discussed in the following section. Thus, the other points will be explored here.

Firstly, trade unions have contributed to the introduction of relevant schemes and an increase in compensation. In detail, the coal mining unions were active in monitoring, lobbying and attending the National Joint Pneumoconiosis Committee⁵³ for compensation legislation and to represent members’ interests under both the social insurance schemes and common law. As a result, some compensation was, for

⁵³ “The National Joint Pneumoconiosis Committee was part of the coal industry consultative machinery on which the union represented the voice of Labour” (McIvor and Johnston, 2007: 209).

example, paid for a disability assessment of less than 10% (McIvor and Johnston, 2007: 223).

Secondly, trade unions had supported miners' litigation for compensation under common law. As will be seen in Chapter 4, the activity of trade unions led to a big burden to employers as well as the unions in terms of financial aspects. This created an element for the introduction of the CWPS.

Thirdly, the trade unions made an effort for the employment of miners with pneumoconiosis. One of the consequences of the 1943 Pneumoconiosis Compensation Scheme was that pneumoconiosis-certified miners were forced to leave the coal industry. After 1943, miners were being suspended in a relatively early stage of disability, hence the issue of rehabilitation and re-employment was more important (McIvor and Johnston, 2007: 86, 200). As a result of the efforts of miners' trade unions, "the 1948 Employment of Pneumoconiosis Cases legislation allowed the employment of 'seriously incapacitated' men in 'approved dust conditions' on the surface, and for the employment/re-employment of men in the earlier stages of pneumoconiosis in 'approved dust conditions' underground" (McIvor and Johnston, 2007: 87).

Efforts of Trade Unions for Compensation of CWP in Korea

Korean trade unions have only recently been interested in industrial safety and compensation. There are several reasons why they did not previously focus on this issue. Firstly, the Korean Government was characterised as a productivist state before democratisation in the late 1980s. This meant that they had paid attention to economic growth rather than social welfare. Secondly, Korean trade unions had existed as a kind of department of the authoritarian governments rather than as a critic or an interest group with their own perspective and action. This is because the trade unions were

not independent in the sense that they were established by the Government and had received finance from the Government. In addition, even the unions tended to have shared the productivist perspective with the Governments. Thirdly, Korean trade unions could not help having an interest in wages, welfare and the level of the company because the unions were based on an enterprise union. In other words, trade unions in Korea had not been interested in long-term policy and universal issues.

With democratisation, while what new trade unions called the 'democratic labour movement' had been activated, the existing trade unions had become more independent and democratic. The change enabled trade unions to draw attention to industrial health and safety as well as compensation of industrial injury and disease. In reality, two leading umbrella labour organisations, KFTU and FKTU, set up a division to be in charge of these issues and made an effort. However, it is assessed that the unions still have a lack of interest and activities in these areas. The crucial reason of many for this is the structure of the organisation characterised as a company-based trade union. In this structure, the main point at issue in collective bargaining tends naturally to stay with wages. If there is an interest in the issue, it is not in a small company but in a big company. Thus, compensation for injured workers has been developed in very limited companies:

"Big companies have completely settled compensation of industrial disaster. The conservative journals criticised injured workers for getting too much compensation but this just corresponded to big companies' workers. Under 300 workers, there is 70-80% of all the disaster. We should resolve this part" (Interview with Kim, E.G.).

Prior to many industrial disasters in rapid industrialisation, professionals and civic groups have played a key role. Many of the organisations concerned have been created by injured workers, as well as by professionals and civic groups. They have tried to compensate sufferers,

politicalised this issue and intervened in the introduction of relevant schemes. Despite their contribution, it tends to be assessed that the activities resulted only in a short-term and tentative resolution.

As briefly discussed, while trade unions do not carry out their responsibility, civic groups, professionals and the people concerned have tried to resolve the problems. This characteristic is represented in the area of pneumoconiosis.

In Korea, professionals⁵⁴ indicated the issue of pneumoconiosis and took the initiative in the introduction of schemes. With regard to a professional's role, the participants bear testimony as follows:

“Up to the late 1970s, employers as well as pneumoconiosis patients didn't know about pneumoconiosis. The level of recognition was very low. So doctors of preventive medicine started to be responsible for this disease. ... In particular, Dr Yoon is a pioneer. ... Korean Industrial Health Association managed to persuade the Ministry of Labour. The development of the pneumoconiosis system should be ascribed to him. The Association of Pneumoconiosis Patients and the FKCWTU don't play an important role. They just submitted a proposal that we made” (Interview with Dr Cho, C.W.)⁵⁵.

At present, it seems that the Association of Pneumoconiosis Patients (hereafter APP) is the most influential actor regarding the issue of pneumoconiosis. The body was set up in 1979 by retired miners with pneumoconiosis for the purpose of mutual aid. Therefore, it was initially just a kind of social meeting of ex-miners. However, in 1983, they reached an agreement that this association should be changed to the APP as an association focusing on pneumoconiosis. Since the momentum began, the organisation has positively participated in activities for the

⁵⁴ There are the representative bodies such as the Catholic Medical Centre (1963), Pneumoconiosis Research Institute (1984), Industrial Disease Research Institute (1988), Korea Safety and Health Association (1992).

⁵⁵ Even interviewees assert that the establishment of APP was their product: ‘I ordered Shin, my patient, to organise the APP. He was very clever and finally did that’ (Interview with Dr Cho).

reform of acts concerned, representation of their interests, their hospitalised members etc. Now there is no doubt that the APP is a main actor in compensation politics surrounding pneumoconiosis.

However, there has been criticism about the APP in several aspects. The most crucial point is that they have only represented HPP rather than SPP or pneumoconiosis patients in general. There are several reasons for this. First of all, it is easier that the hospitalised patients are organised. They are gathering at the hospitals and their loyalty to the APP is strong because of fear of leaving the hospital. In addition, they regularly pay their membership fee. Due to these reasons, the APP tends to concentrate on very limited issues such as the development of the hospital's quality of service. The most serious problem is that the APP is the main actor rather than the trade unions. In other words, the KCTU has not handled the issue of pneumoconiosis because its current patients with pneumoconiosis are not members and the FKCWTU is always affiliated not with KCTU but with FKTU.

In the case of the FKCWTU, it has made an effort to advance miners and ex-miners with pneumoconiosis. With regard to pneumoconiosis, the organisation has taken action for the improvement of treatment to ex-miners with pneumoconiosis, protection from pneumoconiosis, amendment of APPPPW etc. However, it has been assessed that its activities are very limited, ceremonial, formal and inertial. What is worse, is that while the APP replaces its role, the FKCWTU has little influence on the APP:

The FKCWTU and the APP have lately become estranged, so there is not much collaboration. This is because the APP would like to rush forward their small interest without long-term policy. On the contrary, the FKCWTU want to rationalise in line with long-term policy and in favour of all the ex-miners with pneumoconiosis. But the APP dislikes this (Interview with Dr Cho, K.S.).

On the other hand, the FKTU, whose affiliated body is the FKCWTU, does not touch on this issue:

“We are reluctant to take the issue related to pneumoconiosis because of the APP. It is very strong, bullish, rash... . It is impossible to communicate with the APP. There is something wrong and inconvenient; the APP obstinately acts regardless of position and situation. Nobody wants to touch it” (Interview with Cho, C.W.).

As can be recognised from the above, trade unions do not make much of a contribution towards compensation of pneumoconiosis. In fact, the organisation in charge is the APP. However, its activity does not go toward structural reform and legal/institutional change and the direction and extent of development tend to depend on the personality of the participants:

“The policy has resorted to a temporary makeshift. In order to give more money, the resolution has made. There are no fundamental principles or philosophy to find solutions. The development has been based on the personality of the participants. Therefore, there are no structural or institutional suggestions” (Interview with Cho, C.W.).

As can be shown in this section, trade unions seem to have existed on the issue of pneumoconiosis on the sidelines. The KCTU has pretended to be indifferent to this problem because ex-miners were not its members but those of the FKTU and the FKCWTU. On the other hand, the FKTU and its affiliated organisation, the FKCWTU, handed over its rights and responsibility to the APP, for the reason that the APP did not want their intervention. In this situation, efforts for the protection and compensation of pneumoconiosis were not active and, especially, the HPP was not represented.

3. Discovery of CWP and Ex-Miners with CWP in Britain and Korea

CWP as an Occupational Disease

Although coal dust-induced lung disease in Britain was identified in ancient times, it was not until 1943 that CWP was recognised as an occupational disease (McIvor and Johnston, 2007: 88). In terms of Korea, CWP was naturally accepted as an occupational disease in the IACIA (1964) but what its existence was received was in 1956. According to a finding by Dembe (1996: 230-231), 'social factors are a key role in shaping physicians' recognition and conception of occupational disorders'. In relation to this argument, the role of trade unions in accepting CWP as an occupational disease will be examined in this section.

Discovery of CWP in Britain

The impairment of the lung condition engaged in the coal industry seemed to exist soon after the days coal mining began. The recognition of pneumoconiosis began in the fourth century BC (Evans, 1963: 1; McIvor and Johnston, 2007: 64; Rosen, 1993: 22-23). However, it was not until the early 1800s that pneumoconiosis was recognised with its current name. It was initially described with the terms 'miners' anthracnosis' or 'coalminers' phthisis' in 1801, and was first linked to coal mining in 1831 (Bloor, 2000: 129). From the late nineteenth century and especially the early twentieth century, the pneumoconiosis issue started to be discussed more openly. After that, there were three steps with regard to the legal recognition of pneumoconiosis: silicosis in 1918, CWP in 1943, and

emphysema and bronchitis in 1994. The focus of this section will be on the recognition of CWP.

There may be many reasons for recognising an occupational disease as a social problem. Focusing on participants and their political relations, there is the Government, experts such as doctors, employers such as NCB, and trade unions, but the most important factor was the efforts made by the trade unions toward recognition and compensation of CWP, with the support of experts' special knowledge.

In respect of the legal recognition of pneumoconiosis, such as silicosis and CWP, lung diseases in coal mines were discovered in medical literature from the middle of the nineteenth century onwards, but it was not until 1919 for silicosis and 1943 for CWP that pneumoconiosis was accepted as an industrial disease.⁵⁶ In other words, silicosis was recognised in 1919 as an occupational disease but CWP must wait about 24 years more for recognition in 1943.

The reason was that it took a long time to secure acceptance that coal dust in itself could cause and because of employers' resistance. However, there had been debates as to whether coal dust might be the source of contracting pneumoconiosis after the recognition of silicosis in 1919 (refer to Bloor, 2000: 130 about these debates). The typical insistence that denied coal dust as a cause of pneumoconiosis was from employers (Bufton and Melling, 2005: 85). The Coal Dust Research Committee under the Monmouthshire and South Wales Coal Owners' Association confirmed that only men exposed to silica, not coal dust, were in danger and in need of protection (McIvor and Johnston, 2007: 78). The official position of the Government also supported the innocence of

⁵⁶ Advances in medical knowledge and state acceptance of industrial diseases frequently took different trajectories. From its first recognition as a distinctive industrial disease in the eighteenth century and its appearance in medical journals in the 1830s, 'miners' lung' had disappeared by the last few decades of the nineteenth century, only to be 'rediscovered' in the early twentieth century (McIvor and Johnston, 2007: 310).

coal dust. The Medical Research Council, which was established in 1913, set up an Industrial Pulmonary Diseases Committee in 1931⁵⁷ and played a vital role in the discovery of industrial diseases (McIvor and Johnston, 2007: 82-83). Yet, the Medical Research Council had maintained the belief by the early 1940s that coal dust did not cause pneumoconiosis, unlike silica.

In this situation, it was estimated that there were a lot of miners with pneumoconiosis from coal dust and, in particular, the problem was acute in South Wales (Bloor, 2000: 130). In particular, there had been endeavours of trade unions for the recognition and compensation of CWP, especially since the 1930s, and these can be explored in four dimensions.

Firstly, trade unions had criticised the Government's policy for health and safety in the workplace and had furthermore challenged this widespread recognition of medical knowledge. In addition, trade unions campaigned aggressively to get reforms challenging accepted medical knowledge along the way. The campaigning of labour organisations and persistent evidence of lung disease among anthracite coal miners led to an expansion of compensation rules in 1934, and the fresh scientific investigation which transformed the medical understanding of respiratory illness among industrial workers (Bufton and Melling, 2005: 63, 232-233).

Secondly, there had been efforts made by trade unions for medical examination and provision of materials, especially from the early 1930s. For example, "in November 1933, the South Wales Miners' Federation submitted a list of 59 cases of certified silicosis where miners had been refused compensation by the Home Office in support of their case for legislative change. A few months later they added a detailed report from a University of Wales geologist, whom the union had

⁵⁷ The Medical Research Council's Industrial Pulmonary Diseases Committee had been established after the Mines' Minister, Emmanuel Shinwell, had decided that lung diseases among Welsh coal miners required fresh investigation (Bufton and Melling, 2005: 63).

commissioned to investigate the causes of rising respiratory disease rates in the coalfield” (McIvor and Johnston, 2007: 192).

In addition, trade unions had resisted the then fixed knowledge of pneumoconiosis. In particular, trade unions (TUC⁵⁸, as well as the MFGB and the NUM) actively sought to accumulate and change knowledge of the dust problem on behalf of workers. They employed experts in order to examine the prevailing orthodox of medical knowledge and provide expert investigators with relevant epidemiological evidence, which Bloor described as an ‘instrumental use of expertise’ (Bloor, 2000: 133; McIvor and Johnston, 2007: 187-188). As a result of their efforts, “the South Wales Miners’ Federation⁵⁹ was particularly active in exerting political pressure to redirect epidemiological research into the dust problem and to reform compensation legislation. The interest of this organisation was prompted by the severity of the dust problem in the region, especially in the anthracite, hard coal area to the west of the South Wales coalfield. In the 1940s, around 80% of all prescribed pneumoconiotics in Britain were located in South Wales. The South Wales ‘Fed’ thus generated its own knowledge base through independent epidemiological studies and engaged directly with the dominant medical discourse. Through this process, the union employed its own medical and geological experts, supported ‘independent’ expertise that pushed the union’s cause, and contradicted opposing evidence by clandestinely sprinkling silica dust underground” (McIvor and Johnston, 2007: 187-188).

⁵⁸ ‘The subsequent exchanges which took place in 1928-32 between the TUC and medical experts on the causes and extent of dust hazards at work provide an insight into the complex relationship between scientific investigation and the range of political influences which framed compensation rights in Britain during the early twentieth century’ (Bufton and Melling, 2005: 65).

⁵⁹ In the mid-1930s the South Wales Miners’ Federation was suggesting to the mine owners methods to deal with issue of mine dust (McIvor and Johnston, 2007: 80). From 1931 to 1948, 22,000 British miners had left their work because they had contracted pneumoconiosis, and 85% of them were in South Wales (Bloor, 2000: 131).

Thirdly, trade unions tried to follow a political route. In other words, the MFGB would attempt to exert political pressure (particularly through the mining Members of Parliament) to secure government-funded research and to amend the existing compensation legislation (Bloor, 2000: 133).

In response to the efforts of trade unions and the growing fissures in expert medical knowledge about the nature of silicosis and of anthracosis, the Government asked the Medical Research Council to investigate this problem. The examination extended over the years 1937 to 1942 and three 'Medical Research Council Green Reports' (numbers 243, 244 and 250) were finally produced. The Medical Research Council conducted interviews with 470 coal trimmers from four South Wales ports in 1942, who had not been exposed to silica rock but were suffering from a dust-related lung disease. These cases showed that coal dust must be an immediate cause of the problem. In other words, the Industrial Pulmonary Diseases Committee under Medical Research Council became convinced that "there was a strong correlation between the incidence of pneumoconiosis and the concentration of coal dust particles below 5 microns in size" (Bloor, 2000: 130; McIvor and Johnston, 2007: 84-85, 91, 193-194; Bufton and Melling, 2005: 155-78; Bufton and Melling, 2005). In 1943, for the first time, a disease caused as a consequential result of coal dust was legally recognised as commensurable in the Coal Mining Industry (Pneumoconiosis) Compensation Scheme (Bloor, 2000: 130-131; McIvor and Johnston, 2007: 86).

As discussed above, by the early 1940s, CWP had been accepted as an industrial disease. As discussed in this section, the recognition of CWP in Britain in 1943 was the result of a coalition of progressive forces, especially trade unions and medical specialists, in which the unions played an important, and perhaps even the pivotal role. The fight against coal miners' respiratory disease was taken up by British medical science,

and, for some medical professionals, almost became a crusade (McIvor and Johnston, 2007: 124).

Discovery of CWP in Korea

The first occupational disease to be reported in Korea was pneumoconiosis and it is not too much to say that the history of industrial health was the history of pneumoconiosis in Korea. After workers with silicosis and CWP in Korea were discovered for the first time in 1954, schemes, administration and programmes for occupational health and safety were established focusing on pneumoconiosis, and these were maintained until the 1990s (Jung, 2001: 384).

There had been 26 mines for gold, silver, copper, steel and coal in just the southern part of Korea since 1898, and since colonisation of Japan in 1910, mines for metal and coal had been developed greatly, but there was no record of pneumoconiosis (Yoon, 1988). Based on the Labour Standard Law, which was promulgated in 1953, Jangseong Hospital and the Medical School at Catholic University jointly held a health examination of miners who worked in Kangwon Province in 1954 (Choi, 1954; Cho, 1991). Dr Young-Tae Choi discovered silicosis in 117 of the 3,517 persons examined (prevalence of 3.3%) and published it in the house journal issued by Korea Coal Corporation Law (Choi, 1954).⁶⁰ This was the first report of pneumoconiosis. It was estimated that the majority of patients with pneumoconiosis were miners who were drafted

⁶⁰ Henceforth, there had been four epidemiological examinations until 1984 (1967, 1974, 1979, 1984) by other researchers and some doctors who worked for hospitals in mining areas also explored pneumoconiosis (Yoo and Won, 1991). In detail, from 1958 to 1965, Dr Lee, K.K. examined almost twenty thousand miners in the Gangwon Province and issued the results. According to his report, there was 5.9% prevalence in drillers, 1.7% in hewers (Jung, 2001: 49). Yoon, I.J. reported 10.8% pneumoconiosis prevalence in 1974, and 16.1% in 1979 after examination of miners in the Gangwon and Gyeongsangbuk Provinces (Yoon, 1988).

into Japanese mines in the colonial era (1910-1945) and had worked in Korean mines since their decolonisation from Japan.

At that time, the IACIA did not exist and so the Korea Coal Corporation Law, a government-owned corporation, partly compensated the miners with pneumoconiosis as a bonus based on its own rule named the 'Korea Coal Corporation Law Regulation for Safety and Health', which was introduced in 1959. However, other small coal mines almost did not recognise nor examine pneumoconiosis.

This discovery of patients with pneumoconiosis brought about a momentum of various changes. First of all, the discovery of pneumoconiosis resulted in the expansion of a health examination for workers, which officially started in 1956. Two years later, the medical examination for workers was expanded to companies that employed over 30 workers and 78,180 workers in 513 companies were covered. Most companies that actually conducted the examination were still big companies, including a few mines such as the Korea Coal Corporation Law, but even in these companies the examinations were perfunctory.

The discovery also resulted in the establishment of professional institutes for research and medical treatment. For instance, the Catholic Medical Centre started to educate public health officials on industrial health and safety in 1963, and this centre took the lead in establishing the Korea Industrial Health Association in 1964, whose members were public health officials of companies and universities. On the other hand, soon after the enactment of IACIA in 1963, the Catholic Medical Centre set up a clinic with 50 sickbeds for patients of occupational disease in the St Mary's Hospital, which was run by the Catholic University of Korea, in order to examine pneumoconiosis patients. By 1970, the numbers of sickbeds had increased to 250 due to an increase in the number of patients (Cho, 1991: 10).

A number of relevant laws were also introduced as a result of the health initiative. The Mining Safety Act for the safety of miners was introduced in March 1963 and the IACIA was also enacted the same year. Finally, in 1981, the Industrial Safety and Health Law was legislated and, based on the law, the Working Condition Examination System has now been in force since 1982. These laws brought about compensation measures for industrial diseases and injuries in the workplace. Thus, precise and thorough medical examinations were carried out and statistics of incidences of industrial disease started to be compiled. With regard to pneumoconiosis, the Pneumoconiosis Examination Committee was established in 1964 and with the new creation of the industrial safety department under the Ministry of Labour in 1966, pneumoconiosis patients started to be managed more systemically.

As can be seen in the above discussion, there is a distinct difference between Korea and Britain in terms of the recognition of pneumoconiosis. While British miners struggled to put pneumoconiosis on the list of prescribed industrial diseases, it was unnecessary for Korean miners to struggle to put pneumoconiosis into a category of occupational disease. This is because the Government already knew medically-related information about pneumoconiosis from Western countries and Japan at the time of the introduction of the 1953 Labour Standard Law and the 1963 IACIA. Therefore, a crucial disputed point was whether miners with pneumoconiosis existed in Korea. Another difference with Britain was that specialists had played a key role in making pneumoconiosis a social issue in Korea unlike the British case.

On the contrary, trade unions have been interested in this issue since the middle of the 1970s. Kim, a trade unionist who was responsible for the area of industrial health and safety in trade unions, confessed that 'it was not until 1976 that trade unions made efforts to give more or less assistance to miners with pneumoconiosis' (Kim, 1995: 1). Also, the

Annual Reports of the FKCWTU and the FKTU showed that they started to have an interest in occupational disease since the mid-1980s when there was an establishment of APPPPW. However, it is more exact that occupational diseases have come just recently to the interest of trade unions. Until the middle of the 1990s, peak organisations of trade unions did not express much interest in industrial health and safety. In this situation, what is a great tragedy to ex-miners with pneumoconiosis is that the KCTU, a more progressive umbrella labour organisation, has not drawn attention to the issue of pneumoconiosis:

“We know the industrial disease, pneumoconiosis, is very important to trade unions. But we have no interest in this problem, no, exactly we cannot be interested in this issue. There are two main reasons. First of all, this issue has been handled by the FKCWTU and the APP. The FKCWTU, as you know, is affiliated with FKTU, which is our rival. Next, pneumoconiosis patients were not members of our organisation in the past and now they are not workers anymore. When my organisation was created, at the time, most mines disappeared (Interview with Kim, E.G.).

The KCTU has not been interested in the pneumoconiosis issue. Just FKTU is there. When the KCTU was set up, there were no mines. The Democratic Labour Party (DLP) created by the KCTU is similar with the KCTU on this topic. On the other hand, the APP doesn't also feel the help of KCTU and DLP because it would like to meet just the Government or conservative parties” (Interview with Cho, K.H.).

As can be seen in the statement of the union director Kim, in charge of industrial health and safety in the KCTU, pneumoconiosis patients were not members of the KCTU because it was created in 1995 and, at present, they have a closer network with the FKCWTU and the FKTU. In addition, the KCTU does not want to have a troublesome problem, because the KCTU has felt that the executives of the APP are irrational and too stubborn.

Another reason that trade unions did not work on positive lines was the existence of APP, which intensified activities for the interests and rights of their own members, HPP, since establishment in the late 1970s.

As can be seen above, trade unions took a negative attitude towards the compensation of pneumoconiosis patients.

On the other hand, it was not until the 1980s that miners recognised pneumoconiosis as an occupational disease. It seems that most miners had no information about the disease when they were employed in mines. According to a survey, only 2.7% of those questioned were miners who had known about pneumoconiosis through a government agency, while 6.0% recognised it through a company. In contrast, most miners got the information from their colleagues at work and from doctors who examined them (Yoo et al., 2002: 134).

Situation of Ex-miners with CWP in Britain and Korea

Situation in Britain

By 1977, Dr Ian Jones, Chief Medical Officer of the Fife Health Board, found that “only one in four of the miners was in good health; two out of three had some form of disability related to mining, and one in three had chest problems” (McIvor and Johnston, 2007: 58). This shows that most miners and ex-miners had been exposed to danger at work, which had resulted in an occupational disease named pneumoconiosis. As far as pneumoconiosis is concerned, it is still the main industrial disease and incidences have not disappeared. In particular, in the case of CWP related to coal dust, Table 3-9 shows that the incidence of patients with CWP increased in the 2000s, although most coal mines existed a long time ago. Most new compensated cases of pneumoconiosis, excluding asbestos, occur in retired workers, with the majority from the coal mining

industry; other industries affected are quarrying, foundries and potteries, where silica is the predominant cause.⁶¹

There were 1,055 new assessed cases of CWP, apart from asbestosis, in the Industrial Injuries Scheme in 2004, similar to 2002 and 2003, a large increase on previous years (see Appendix F). This is believed to be due to a publicity campaign by the Department for Work and Pensions, inviting people whose claims had been wrongly disallowed between 1994 and 1999 to re-claim, and also a more accurate method of data collection introduced in April 2002.

With regard to deaths of ex-miners related to occupational diseases, “even as late as the 1990s mortality from CWP was outstripping mortality from all other pneumoconiosis diseases (including silicosis and byssinosis) by a ratio of 5 to 1. Very quickly, around the middle of the twentieth century, dust became the major occupation-related killer in mining communities. By the late 1940s, recorded deaths from pneumoconiosis had outstripped deaths from accidents in British coal mining, and by the mid-1950s pneumoconiosis deaths outnumbered mining accident deaths by a ratio of 4 to 1. The total recorded death toll of coal miners in Britain who died from CWP was more than 40,000 between 1930 and 1990” (McIvor and Johnston, 2007: 54). Table 3-10 shows the deaths due to work-related pneumoconiosis. The number of deaths from pneumoconiosis fell from the high figure of 321 cases in 1999, to 279 cases in 2000 and 240 in 2001; but this rose again to 271 cases in 2002, to fall to 231 in 2003. Likewise, although deaths are on a long-term downward trend, they are still in progress.⁶²

⁶¹ HSE, <http://www.hse.gov.uk/statistics/causdis/coal.htm>.

⁶² HSE, <http://www.hse.gov.uk/statistics/causdis/coal.htm>

Table 3-9 Deaths Due to Occupationally-related Lung Disease in Britain

Unit: Number

	Asbestosis (without mesothelioma)	Mesothelioma	Pneumoconiosis (other than asbestosis)	Byssinosis	Farmer's lung and other occupational allergic alveolitis	Total
1994	174	1,246	276	7	10	1,713
1995	166	1,317	287	6	10	1,756
1996	196	1,322	223	3	1	1,745
1997	191	1,367	230	5	5	1,798
1998	165	1,541	268	5	8	1,987
1999	171	1,615	321	6	9	2,122
2000	186	1,633	279	4	7	2,109
2001	233	1,862	240	2	7	2,344
2002	234	1,867	271	-	6	2,377
2003	235	1,885	231	3	7	2,349
2004	266	1,969	214	4	5	2,458

Sources: HSE, <http://www.hse.gov.uk/statistics/tables/dc01.htm>

According to a recent survey, most pneumoconiosis patients are elderly. The majority of IIS claims (65% in 2004) are made by people aged 65 and over (see appendix G). The reason that there are so many elderly people with CWP is that there is a long delay of almost invariably 10 years or more between exposure and onset of disease, and hence, most new cases or deaths from pneumoconiosis reflect the working conditions of the past. Another characteristic is that most patients are the simple patients under ten or less in percentage of disablement.

Situation in Korea

CWP had been in first place for incidences of occupational diseases in Korea. At present, CWP is still a serious occupational disease and although it is not ranked first anymore, it still remains a concern in second position behind diseases of the heart and brain (see appendix H). What is noted is that the occurrence of CWP still keeps around 400 persons approved per year despite a slight fall, as can be in the table below.

Table 3-10 Annual Examination of Pneumoconiosis

Year	Examination	Disability	Hospitalisation	Fatality by Pneumoconiosis
1990	3,495	1,444	327	254
1992	3,732	1,318	312	302
1994	3,943	1,355	548	237
1996	3,904	1,407	486	302
1998	4,025	1,454	325	304
2000	5,428	1,689	443	371
2002	6,502	2,030	568	828
2004	8,496	4,820	419	1,547

Source: FKTU, 2005: 440.

Although there have been different opinions of the total number of patients with pneumoconiosis⁶³, the official data released by the Ministry of Labour shows that there were 16,709 persons with pneumoconiosis in 2001 (Yoo et al., 2001). Interestingly, the number of medical examinations related to pneumoconiosis has gradually increased and, therefore, the number of persons has grown from less than 5,000 before 2000 to 8,496 in 2004 (refer to Table 3-10). According to the increase in examinations, the number of ex-miners with pneumoconiosis disability and the HPP has increased annually. In terms of the death toll, since the

⁶³ The APP does not agree with the statistics of the government. It asserts that the number of patients reach from 50,000 to 60,000, even 100,000 including the hospitalised patients. Dr Choi et al. (1999) concluded that the numbers were 13,749 based on a survey in which he investigated the registration card of pneumoconiosis from regional headquarters and 45 branches of Welco. Where does the difference come from? It stems from the criterion that is defined as a patient and the scope of estimation. First of all, the Government recognises people who are defined by the APPPPW as sufferers. It means that the qualification of pneumoconiosis patients should be given to an ex-miner who receives a 'provisional grade' of disabilities of grades. The APP, however, maintains that the provisional patients in addition to this number are also contained in pneumoconiosis patients. For instance, because an ex-mineworker who had worked over 10 years in mines has the possibility of pneumoconiosis, the man should be calculated as a pneumoconiosis patient. In addition, the APP asserts strongly that a person who used to live in a mining town, for example the families of miners, should be counted as sufferers if the miner has pneumoconiosis. In fact, the current law does not consider any person except an ex-miner as a pneumoconiosis patient, despite symptoms of pneumoconiosis. Furthermore, the APP thinks that there is another type of provisional patient, which does not know the pneumoconiosis institutions and laws yet owing to a shortage of the information despite the disease. Likewise, the APP counts the number to include provisional patients or unveiled patients, whereas the Ministry of Labour permits the person by the pertinent law as the patient.

APPPPW was put into force in 1985, 6,672 patients had died of CWP by the end of July 2001 and this number has dramatically increased over subsequent years.

Despite the increase in persons with disability, the number of pneumoconiosis patients, taken as a whole, seems to be on a downward trend. As shown in Table 3-11, the rate receiving the bereaved family members' consolation benefits outnumbers the rate receiving the disability consolation benefits, although the number of disabilities is still higher than that of fatalities. In 2004, 1,547 persons received the bereaved family members' consolation benefits while 4,820 persons were awarded the disability consolation benefits. Despite the increasing rate in disability and fatality, the rate of fatality is higher than that of disability. This means that the total number of persons with pneumoconiosis is decreasing slightly. What should be considered is that the number can fall significantly if the age of pneumoconiosis patients is taken into consideration.

Table 3-11 Number and Ratio (%) by Age Groups

Definition of Ages	Total	HPP	SPP
40-50 under	25 (2.3)	18 (3.2)	7 (1.4)
50-60 under	194 (18.1)	82 (14.5)	112 (22.0)
60-70 under	598 (55.7)	299 (52.9)	299 (58.9)
70 over	256 (23.9)	166 (29.4)	90 (17.7)
Total	1,073 (100.0)	565 (100.0)	508 (100.0)

Source: Yoo et al., 2001.

The increase in fatalities from pneumoconiosis can be explained in the ageing and the consciousness of pneumoconiosis patients of the APPPPW. Many miners started their work in the 1940s and by the 1980s were over 60 years old. They had suffered a lot of hardship due to poverty and disease during this period and, therefore, the rate of the fatalities may well be increased little by little as time passes. In addition, the enactment of

APPPPW and democratisation enabled PP to more easily know the institution concerned and to have the consciousness of rights. This resulted in the entrance of more PP into pneumoconiosis institutions. As a result, the fatalities rose during and after the 1980s and are now increasing dramatically because of an advanced age. According to a survey (Yoo et al., 2001), nearly 80% of the total number of pneumoconiosis patients are over 60 years old (see Table 3-11).

4. Compensation System for Ex-miners with CWP in Britain and Korea

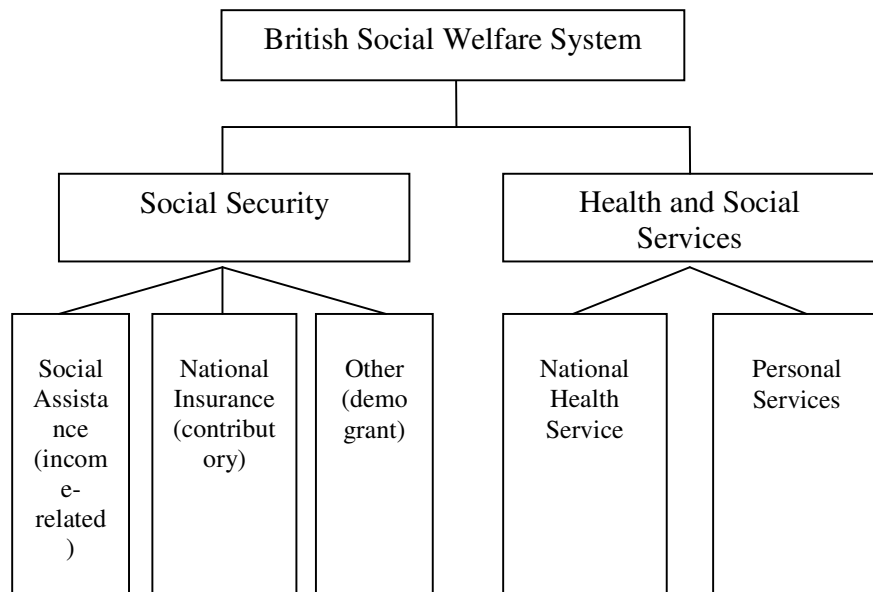
Social Welfare System and Benefits for Miners in Britain and Korea

The elderly with pneumoconiosis are ex-miners with an industrial disease as injured workers at work. In general, their life is exposed to poverty, old age and unemployment. Thus they have been protected by various social institutions and, therefore, there will be a description about social security and the compensation system for ex-miners with pneumoconiosis in this section.

Social Welfare System and Benefits for Miners in Britain

Since the Second World War, there has been a comprehensive social welfare system in Britain in line with The Beveridge Report, which has been assessed as being ‘a landmark in the history of social security’ (Pearson, 1978: 29). As can be seen in Figure 2, the outline of the British social welfare system is composed of two axes of social security and health and social services.

Figure 2 British Social Welfare System



In the case of social security, there is social assistance, national insurance and demogrant.⁶⁴ This category is related to income maintenance that has been secured based on The Beveridge Report. The report focused on the prevention of ‘want’, or poverty⁶⁵ based on a principle of social policy, ‘the primacy of minimum standards’ (Baldock et al., 1999: 258): ‘Social security benefits would be provided in such a way that no one would have to live on an income that was lower than the Government’s stipulated minimum standard’ (George and Wilding, 1984: 10). The perspective of minimum standards is in accordance with universality and Beveridge expected that the comprehensive system of national insurance and means-

⁶⁴ Demogrant is a noncontributory benefit paid to individuals solely on the basis of meeting specified demographic criteria, such as age, residence and disability without other tests (Spicker, 2009). The benefits are Child benefit, disability living allowance/attendance allowance, carer’s allowance, industrial injuries benefits and war pensions, war widow(er)’s pension etc. (Millar, 2003: 3).

⁶⁵ Beveridge indicates six fundamental principles of social insurance: Flat rate of substance benefit, Flat rate of contribution, Unification of administrative responsibility, Adequacy of benefit, Comprehensiveness, Classification (1942, para. 301).

tested assistance proposed by the report would ensure ‘freedom from want’, with three policies external to the system: full employment, family endowment and a national health service (NUM, 1979: 6; Wikeley and Ogus, 2002: 4; George and Wilding, 1984: 10). Interestingly, the political groups based on different ideologies in Britain have stuck to this principle. In this context, George and Wilding wrote as follows: ‘Writers of such different political persuasions as Crosland, Beveridge and Hayek are agreed on the primacy of minimum standards in social policy’ (1984: 8).

Table 3-12 Classification of UK Sources of Support in Old Age, Including Benefits in Kind

Pillar	1 st tier	2 nd tier	3 rd tier	4 th tier
State	•Universal flat rate pension	•Earnings related pension (SERPS: partial)		•Means-tested benefits •Minimum Income Guarantee •Benefits in kind, e.g. travel concessions, help with daily living, free healthcare
Employer		•Occupational pensions		
Individuals			•Private pensions	•Earnings, savings, investment income, other capital including property •Benefits in kind, e.g. family support

Source: Mayhew, 2001: 7

As can be seen in the above discussion, there has been ‘the general consensus on the desirability of minimum standards achieved through social policy’ in Britain. Beveridge’s minimum standard principle is completed by earnings-related pension (the so-called SERPS). The income maintenance structure can be understood well from Table 3-12. There are four tiers of British benefit sources: the basic state pension, which is flat rate-related pension from the state in the first tier; earnings-related pensions from the state or occupational pensions from employers

in the second tier⁶⁶; private pensions from private individuals in the third tier; and in the form of means-tested social security benefits and the so-called Minimum Income Guarantee in the fourth tier of support⁶⁷ (Mayhew, 2001: 8).

In addition, since the National Health Service Act in 1946 and its enforcement in 1948, all the people have received its comprehensive medical service free of charge. The National Health Service was consciously designed to avoid such inequalities by removing healthcare in Britain from the distribution of goods and services that typically results from market forces. It is still funded mainly through taxation, and is still free for most patients at the time of use (Baldock et al., 1999: 321). Thus, the National Health Service was proposed as a provider of universal and free benefits for every man, woman and child. Of course, this also applies to the elderly with pneumoconiosis who may be exposed to other diseases as well as the industrial disease. What is better is that they received a variety of benefits in kind including nursing home service, travel concessions, help with daily living etc., as well as free healthcare.

Generally, it is natural that at present, ex-miners with CWP may be injured, old, disabled, unemployed or poor. Therefore, the sufferers may be related to many of the benefits of the comprehensive welfare system. As a citizen, retired mineworkers maintain at least the income maintenance from the universal flat rate pension in the first tier, although this is not enough. On the other hand, as can be seen in the fourth tier, means-tested benefits can be provided to poor ex-mineworkers. What is

⁶⁶ The occupational pensions have been a highly significant factor in the UK pensions market for many years. 'Second tier' pensions include a state earnings-related pension known as SERPS, which was introduced in 1975 and was replaced by the 'Second State Pension'.

⁶⁷ Under the fourth tier, the state provides certain benefits in kind, such as free healthcare (available to all age groups), television licenses, winter fuel payments, and transport concessions. Apart from state support in the fourth tier, there are some benefits for individuals such as investment income, income from employment, and income from family or the community (Mayhew, 2001: 8).

important is that unlike Korea, the criteria for entitlement of means-tested benefits are based not on family but purely on an individual valuation of assets and income. Therefore, ex-miners at least have a secure income for a minimum standard of life in the first or fourth tiers. In addition, they have been cared for by the National Health Service without any payment.

Furthermore, as can be seen in Table 3-13, miners have developed their own benefits in line with social security through compromise with the Government and their own companies. Furthermore, they have also added a compensation system of their own like the CWPS in addition to social security.

Table 3-13 Social Security for Miners in Britain (1978)

	Benefits for Workers	Benefits for Mineworkers
Sickness	· Health Services · Sickness Benefit	· Mineworkers' Sick Pay Scheme
Invalidity	· Invalidity Pension · Invalidity Allowance · Non-contributory · Invalidity Pension · Attendance Allowance · Mobility Allowance	· Mineworkers' Pension Scheme Incapacity Benefits
Industrial Accidents and Diseases	· Industrial Injury Benefit · Disablement Benefit · Special Hardship Allowance · Hospital Treatment Allowance · Unemployability Supplement · Constant Attendance Allowance · Exceptionally Severe Disablement Allowance	· Mineworkers' Sick Pay and Pension Scheme Benefit
Pneumoconiosis	· National Insurance Industrial Injuries Scheme	· Mineworkers' Sick Pay and Pension Scheme Benefit
Redundancy	· Redundancy Payment Scheme · Redundancy Mineworker's Payments Scheme	· Mineworker's Pension Scheme Benefits on Redundancy
Income Supplements	· Child Benefit · Family Income Supplement · Supplement Benefits	· Supplement Benefits
Early Retirement		· Mineworkers' Voluntary Early Retirement Scheme
Social Services	· State Social Services	· Coal Industry Social Welfare Organisation
Old Age Retirement	· State Pension	· Mineworkers' Pension Scheme
Death - Dependents Benefits	· Widow's Benefit · Children's Benefit	· Mineworkers' Pension Scheme (Industrial Widow's Pension, Children's Pension)
Coal Industry Benevolent Trust		Coal Industry Benevolent Trust
Unemployment Benefit		

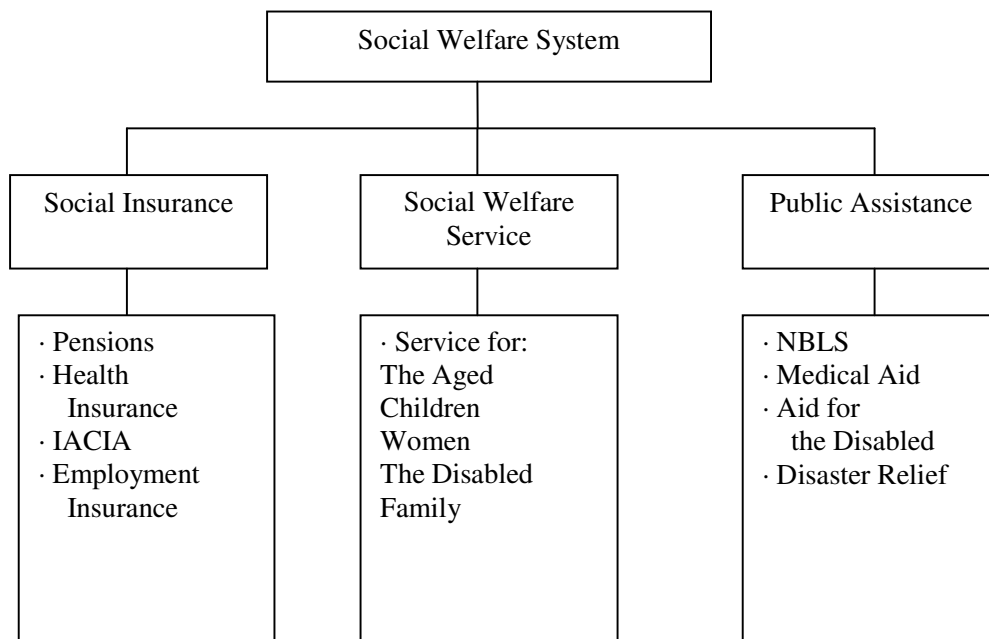
Source: NUM, 1979.

Social Welfare System and Benefits for Miners in Korea

There are, as can be seen in Figure 3, three axes in the Korean welfare system: social insurance, social welfare service and public assistance. In

the 1990s, Korea established a comprehensive social welfare system with the expanded coverage of beneficiaries and higher benefits. However, the poor legacy and the factual contents of the welfare system showed how the existing welfare institutions are residual and limited, unlike their appearance.

Figure 3 Social Welfare System in Korea



Source: Park and Byun, 2003: 4.

As far as income maintenance is concerned, there are two benefits of social insurance and public assistance. However, the elderly in fact have no right to benefits from the social insurance because of their late introduction. The National Pension Programme was conducted in 1988 and, accordingly, most older people currently aged 60 and over cannot be beneficiaries, as the pension required 20 years of contributions until 1998.

Table 3-14 Benefits and Services for Older People in Korea

Category	Type	Benefit	Payment
Income Security	Means-tested	- National Basic Livelihood Security - Basic Old Age Pension	Cash
	Contributory	- National Pension - Government Employees' Pension - Military Personnel Pension - Private School Teachers' Pension	
	Demogrant	- Traffic Allowance	
Health Service	Means-tested	- Medical Assistance	In-kind
	Contributory	- National Health Insurance	
Social Service	Means-tested	- Elderly Care Service Voucher - Housework and Attendance Voucher - Long-Term Care Insurance (non-contributory)	
	Contributory	- Long-Term Care Insurance	

On the other hand, as an important axis of income maintenance, the NBLIS, a cash payment scheme, is a public assistance programme designed to guarantee a minimum standard of living for all Koreans. To be eligible for the NBLIS, an elderly person must be below the poverty line and have no one legally responsible for supporting him or her, or, if the elderly person does have someone legally responsible, that person must be unable to work. Thus, the qualification of beneficiary is very strict. Therefore, it has been criticised that the system excludes some unprotected poor, elderly, disabled people, and children whose family income is above the poverty line but who live a very poor life. In addition, it is criticised that public assistance provides meager benefits, and is still highly stigmatised.

As a kind of demogrant, there are limited services for the old people. Despite various types of benefits in kind, since 1980 some substantial services have been provided by the Government such as free subway and bus tickets, and free admission into public museums and parks to those over 65. In addition, the Basic Old Age Pension was

implemented in 2008 as a non-contributory pension programme financed by both the central and local governments. It is provided to people over the age of 65 to help low-income elderly people receive pension benefits. However, these benefits are too small and are seen as pocket money. On the other hand, all Koreans are covered by National Health Insurance, but the patient has to pay a certain percentage at the point of use. This percentage differs according to clinics and general hospitals, whether outpatient or inpatient, and medical examination etc. Moreover, there are exclusion treatments from NHI. In terms of Social Services, these are also available for people with a disability, the aged without family support, and other qualified vulnerable people, but it has to be pointed out that these services fall far short of any sufficient level (Kwon, 1998: 469).

As discussed, it is difficult that the Korean elderly cannot secure their income at the level of minimum standards of living and medical treatment under existing social security. Therefore, the elderly with pneumoconiosis in Korea seem to be excluded from the social welfare system. Thus, they are concentrating on benefits from the IACIA and this situation makes them fight strongly for these benefits.

Industrial Injury System and Compensation for CWP in Britain and Korea

Industrial Injury System and Compensation for CWP in Britain

① Structure and Kind of Compensation for CWP

It is treated as ‘the most important of the prescribed’ industrial diseases in Britain (Lewis, 1987: 120) and the Government has put it into the social insurance system since the establishment of the social security system in 1946. Therefore, compensation for pneumoconiosis is based fundamentally on state provision. In addition, ex-miners with pneumoconiosis can receive compensation from employers but not from the Government. While the former is a part of social security, the latter results from a kind of compromise between employers and miners. On the other hand, there is another case that is not a part of social security but is a provision by the Government. Likewise, there are three kinds of benefit system: state provision under social security, state provision not from social security, and compensation from employers by compromise between Labour and employers.

The first types of state provision under social security are: IIS, the Workmen’s Compensation (Supplementation) Scheme, and the Pneumoconiosis and Byssinosis Miscellaneous Disease Benefit Scheme.

The IIS provides non-contributory, no-fault benefits for disablement because of an accident at work, or because of one of over 70 prescribed diseases⁶⁸ known to be a risk from certain jobs (DSD, 2005: 11; Tolley, 2001: 304). The benefits payable under the scheme are sometimes described as Industrial Injuries Disablement Benefits, which are weekly benefits paid to people who become disabled because of an accident at work or due to certain prescribed diseases caused by their job on or after 5 July 1948 (Lewis, 1987: 263). The Workmen’s

⁶⁸ See Appendix 1 in DSD (2005: 90-110) for a list of the prescribed diseases.

Compensation (Supplementation) Scheme is compensation for an accident or disease from work before 5 July 1948. There are three main allowances: basic allowance, major incapacity allowance, and lesser incapacity allowance (DSD, 2005: 69). On the other hand, Pneumoconiosis and Byssinosis Miscellaneous Disease Benefit Scheme replaced the Workmen's Compensation Act (hereafter WCA) after nationalisation and now applies to anyone who wishes to claim for pneumoconiosis who finished before 5 July 1948 (Lewis, 2005).

The second type is the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (hereafter the 1979 Act), which is a state provision but not social security. This compensation system was created in 1979 and is an independent law to the Social Security Act. This Act was established for sufferers who are unable to claim damages from employers who have gone out of business or where there is no realistic chance of pursuing a Court Action (NUM, 2005: 4-5). It primarily compensates sufferers of asbestos-related diseases. Although the Prescribed Disease D1 is a listed disease, it is not intended to compensate coal workers who are expected to pursue their claims through the CWPS (NUM, 2005: 5).

The last type had been created by private arrangements with employers. They are pre-1947 Commutation Compensation, CWPS, Via Chronic Obstructive Pulmonary Disease Claim etc. These institutions replace suing for damages at common law and were established based on compromise between employers and trade unions.

The IIS and CWPS of the schemes discussed are the main measures for pneumoconiosis. Therefore, these schemes will be discussed in the following section.

② State Provision for CWPS: IIS

The condition of entitlement for benefits under the IIS is: firstly, a person has suffered personal injury as the result of an accident in the course of his employment; or secondly, he/she has contracted one of a list of specified diseases or illnesses in the course of his employment, which must be one of the employments listed in the Social Security (Industrial Injuries and Prescribed Diseases) Regulations 1985 (Tolley, 2001: 304, 307).

Because pneumoconiosis is recognised as an industrial disease, it is an object of state provision. A claimant is compensated for pneumoconiosis when he is recognised as having the disease through medical examination. During a medical examination for a disablement assessment, a chest X-ray will be conducted by a member of the Pneumoconiosis Medical Board. The doctor, who is specially trained in industrial injuries disablement matters, will give claimants advice about: firstly, whether they have pneumoconiosis; secondly, to what degree of seriousness they are disabled; and thirdly, how long they expect their disability to last (DSD, 2005). Finally, claimants will receive a decision about their claim, the amount of any benefit they will receive, and the period for which they will receive the benefit.

Compensation for pneumoconiosis depends on the date of onset⁶⁹, assessment percentages, and the degree of disablement based on 'loss of faculty'. Although the Social Security Act 1986 removed the right to disablement benefit for assessments below 14%, an exception was made for byssinosis and diffuse mesothelasma pneumoconiosis. These diseases continue to attract compensation, provided that disablement is assessed at least 1% (Lewis, 1987: 120).

⁶⁹ Workers employed before 5 July 1948 are compensated under the Pneumoconiosis and Byssinosis Miscellaneous Disease Benefit Scheme, while compensation after that time is conducted in IIS.

There are three kinds of benefit: lump sum payments, loss of earnings allowances, and dependants' benefits. In the case of lump sum payments, these are full and final settlements. The calculation is based on the level of the initial assessment for pneumoconiosis and the claimant's age at the start date of that assessment. Loss of earnings' allowances take the form of weekly pensions and are calculated at two different rates. The higher rate is payable where the person is unable to work because of the condition, while the lower rate is payable if the disease prevents the claimant from remaining in their normal occupation. The allowances are payable until reaching the age of 65 and are paid in addition to the reduced earnings' allowance. On the other hand, with regard to the dependants' benefits, where a person dies having received benefit or who would have received such benefit had they survived, dependants may be entitled to weekly allowances. The important question here is whether death was caused by pneumoconiosis (NUM, 1992: 32-33).

③ Compensation of CWP from Employers: CWPS

The CWPS, which was set up and came into effect in 1974, is a product of a voluntary arrangement between the mining unions⁷⁰ and the NCB (DOE, 1974a; NUM, 1974). The objective of this agreement was to compensate ex-miners suffering from pneumoconiosis in return for stopping litigation to common law (NCB, NUM, NACODS AND BACM, 1974).⁷¹, in which employers and trade unions had felt a big burden.

The CWPS is a no-fault scheme and the coverage is all persons certified to be suffering from pneumoconiosis (including silicosis), with at least ten years' service in coal mining (including employment with private or licensed mines and certain ancillary activities) or in

⁷⁰ The relevant unions are the NUM, the National Association of Colliery Overmen, Deputies and Shortfirers and the British Association of Colliery Management.

⁷¹ In reality, as return for the new provisions, the union agreed to withdraw approximately 4,000 cases from litigation (Allen, 1981: 291).

employment involving exposure to dust (DOE, 1974a: 25), and it is usually a prerequisite that the claimant has an award of Industrial Injuries Disablement Benefit for the prescribed disease D1 (PD D1) in IIS (NUM, 2005).

The provision of the scheme is lump sum payments, which are not taxed. Lump sums vary according to the age of the man at the date of onset and assessment percentages of the Prescribed Disease D1 (Lewis, 2005; NUM, 2005: 2). This scheme formed a package with the various strands of state benefits payable under the IIS. Benefits at that time included the payment of an Industrial Injuries Pension, Special Hardship Allowance (later replaced by the Reduced Earnings' Allowance) and Industrial Death Benefit. The scheme originally made provision for compensation in respect of loss of earnings (NUM, 2005; Lewis, 2005).

Apart from the lump sums, a sufferer could claim a weekly loss of earnings payment from the scheme provided he was in receipt of Special Hardship Allowance from the Department of Social Security and was either on a lower paid job (partial loss of earnings) or on sickness benefit through pneumoconiosis (full loss of earnings). Loss of earnings was paid up to and including the man's 65th birthday.

In 1988, the scheme was reviewed and a Progression Payment Scheme was introduced. This allowed further payments for anyone whose assessments increased over and above 20%, with £200 paid per 10% increase. Only increases in assessments after 16 August 1988 attracted progression payments.

In October 1990, the Government abolished the Reduced Earnings' Allowance for diseases/accidents with onsets after this date. This meant that men could not receive loss of earnings from the scheme if the onset of their disease was after this date. In 1996, after pressure from the NUM, British Coal agreed to review the scheme once again. It was agreed that men could once again claim loss of earnings, provided they

were on sickness benefit, incapacity benefit, or invalidity benefit through pneumoconiosis. However, they stopped the partial payments for anyone who took up light employment. It was at this review that the lump sum tables were increased for the first time since the inception of the scheme and were back-dated to 1990. The progression payments were also increased from £200 to £300 per 10% for assessments over and above 20%. It should be noted that anyone freshly certified with pneumoconiosis and eligible to claim the loss of earnings component with a date of onset prior to 1 October 1990, must be in receipt of the Reduced Earnings' Allowance, or loss of earnings will not be paid (Lewis, 2005).

In posthumous cases, benefit is still payable where pneumoconiosis is shown on the death certificate as the cause of death in the absence of the Prescribed Disease D1 award. In these cases, the degree of disablement is assumed at 10% and the date of onset is taken as the date of death. Where disability increases after an award has been made, there is provision for progression payments of £300 for each 10% increase in disablement above 20%. In order to qualify for a progression payment there must be evidence that the disability has increased after 16 August 1988 (prior to 4 December 1997 the amount payable was £200). This must be purely for pneumoconiosis and not for any other disease that may cause a higher disability (NUM, 2005: 2).

Since 1974, there have been some 90,000 claims and approximately £150 million paid in lump sum payments and some £45 million loss of earnings payments. Since 2000, claims have averaged 100 per month. The average lump sum payment is £2,700. There are currently some 95 loss of earnings claims, receiving, on average, £1,000 per month. It takes, on average, some 23 months to settle a pneumoconiosis claim. A major factor affecting this average is the practice of claimants delaying their acceptance of the Department's offers until their applications for the

relevant State benefits, listed above, have been completed (National Audit Office, 2007: 13).

However, it is also true that the scheme has been criticised because of ‘the paucity of the amount of benefit’ and ‘exclusion of bronchitis and emphysema’. First of all, there had been much concern about the refusal by the Government to recognise emphysema and bronchitis as industrial diseases. Emphysema is common amongst miners and it can only be diagnosed during life when it is in an advanced state. It so frequently accompanies pneumoconiosis that it is possible that it is caused by it, yet only pneumoconiosis is recognised (Allen, 1981: 291). In terms of the amount of benefit, CWPS is compared with the 1979 Act. CWP was not an object of the 1979 Act and only applied to employees of companies that had ceased trading and had no insurance cover to compensate former workers. However, there is a dispute in the fact that the Act is more generous than the CWPS. Adam Price, who is a MP of Plaid Cymru, raised some points about the CWPS in the parliament. According to him, the pivotal problem in 1974 was that the CWPS is lower than the 1979 Act in benefits and many ex-miners could not receive benefits under the 1979 Act.⁷²

In this context, NUM has also indicated the scarcity of benefit quantity: ‘The awards of compensation under the scheme no longer represent adequate compensation for miners suffering from pneumoconiosis and are significantly lower than awards under the former Department of Employment, Training and Rehabilitation scheme and the

⁷² ‘Compensation under the 1979 Act is far greater than the 1974 sister scheme. For example, a 54-year-old diagnosed with 40% disablement under the 1979 Act would receive about £35,000; under the coal workers’ scheme, he would receive only £13,000. It is clearly perverse that coal miners receive less compensation than other industries for the same injuries’. ‘Miners who have received compensation under CWPS are exempt from seeking a claim under the terms of the CWPS, and then claiming that these claimants are exempt from compensation under the 1979 Act. Surely exemptions should only come into play if a settlement has been agreed under the terms of CWPS’ (Price, in First Standing Committee on Delegated Legislation, 2005).

British Coal Respiratory Disease Litigation handling agreement for Chronic Obstructive Pulmonary Disease. Awards from the CWPS should now be more in line with these schemes' (NUM, 2005: 7).

Industrial Injury System and Compensation for CWP in Korea

There are three laws that are closely related to pneumoconiosis: the IACIA (1964), the APPPPW (1984), and the Industrial Safety and Health Act (1981). The IACIA and the APPPPW are in relation to compensation for industrial injury and disease while the APPPPW and the Industrial Safety and Health Act are for workers' health and safety. This shows that the APPPPW covers both compensation and industrial health and safety. Here, compensation under the IACIA and APPPPW will be discussed.

① Benefits from IACIA and APPPPW

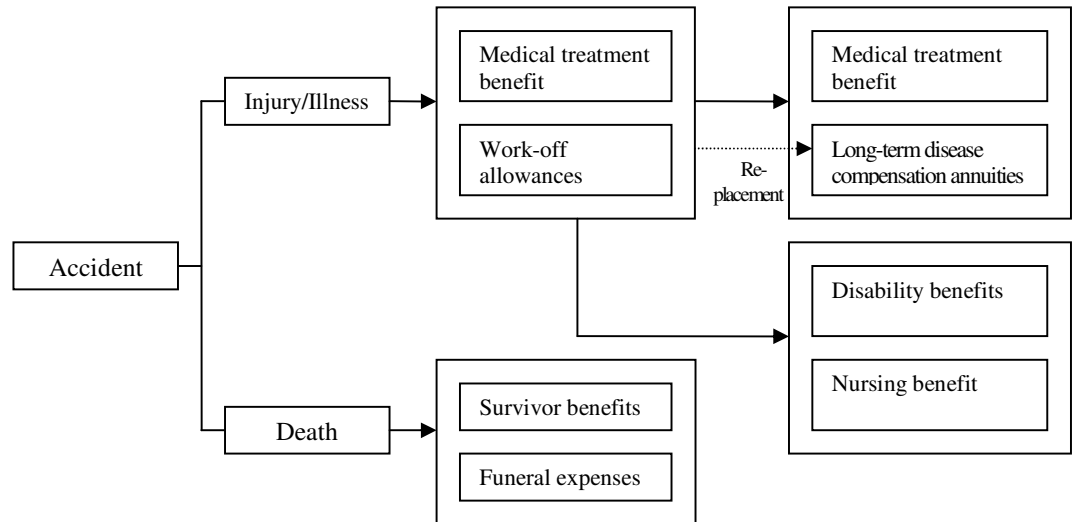
Elderly persons with pneumoconiosis are compensated under the IACIA and the APPPPW. The former supplements the latter in terms of compensation. Thus, the main compensation for pneumoconiosis is provided by the IACIA.

The IACIA⁷³ is based on a principle of 'no-fault liability'. Whether intentional or inadvertent, the employer shall be responsible for all work-related accidents. If a case is confirmed as a work-related accident or disease, the employee shall receive the insurance benefits regardless of the employer's ability to pay (Kim, 2004: 2). There should be an 'occupational accident'. The requirement of 'occupational accident' means any wound, disease, physical disability, or death of a worker, which is caused by his duties. In such cases, the confirmation criteria for

⁷³ The purpose of this Act is to compensate rapidly and fairly any occupational accident of workers, and to establish and operate the insurance facilities in a bid to promote rehabilitation and social reintegration of the accident-suffered workers, by operating the industrial accident compensation insurance projects, and to contribute to the protection of workers by carrying out projects for preventing accidents, and other projects for promoting the welfare of workers (IACIA, Article 1, Purpose).

the occupational accident shall be determined by the Ordinance of the Ministry of Labour (Article 4 in IACIA).

Figure 4 IACIA Benefits and Process of Compensation



Source: Kim, 2000: 9.

There are seven types of payments of the IACIA: medical treatment benefits, work-off allowances, nursing benefits, survivor benefits, funeral expenses payments, and long-term disease compensation annuities, as can be seen in Figure 4.

In the case of work-related injury or disease lasting for four days or longer, the entire medical care expenses within the National Health Insurance's coverage of medical examinations will be covered. The medical treatment benefit shall be the total amount of medical care expenses. In the case of the work-off allowances, if the employee cannot continue to work for a period exceeding three days due to injury or disease, 70% of the lost income is paid. Disability benefits are paid in lump sums or pensions. Payments for Grade 8-14 disabilities shall be made in lump sums, and those for Grade 1-3 is paid in the form of pensions. Grade 4-7 beneficiaries are required to receive at least 50% of the compensation as pensions. Survivor payments are also provided in

either lump sums or pension payments. A one-time payment totals the average salary for 1,300 days, and for a pension payment 5% will be added per additional pension beneficiary in addition to 47% of the annual average income. The maximum pension amount per year shall not exceed 67% of the average annual salary. The long-term injury/disease compensation annuity is a payment provided in addition to medical benefits. It is granted to an employee who has not completely recovered. The benefits at a high rate for an insured employee who has not recovered from his work-related injury or sickness even after 2 years of medical treatment, and who has suffered from a Grade 1-3 disability, will be paid long-term disease compensation annuities. The beneficiaries of the injury/disease compensation annuity⁷⁴ are not qualified for work-off allowances. Their benefits are paid as pensions, and the payment amount varies depending on the severity of disease.

On the other hand, the APPPPW gives three kinds of benefit to the elderly with pneumoconiosis: work reassignment allowances, disability consolation benefit, and bereaved family members' consolation benefits. The latter two are related to compensation. The disability consolation benefit is paid in cases where a worker who is entitled to disability benefits under the IACIA retires, or where a retired worker becomes entitled to disability benefits under the IACIA due to pneumoconiosis. The amount of benefit will be equivalent to 60% of the lump sum disability compensation to be paid due to pneumoconiosis under the IACIA. On the other hand, the consolation benefits is paid to a worker or his/her bereaved family members, and with respect to the determination of bereaved family members, the provisions of the IACIA

⁷⁴ Nursing Benefits: for an employee who, owing to work-related injury or sickness, medically requires constant or occasional nursing and actually receives nursing services, even though he has recovered from the injury or sickness. Funeral expenses shall be paid when a worker dies due to work-related accidents, and an amount equivalent to 120 days' worth of the worker's average wage shall be paid to a person who performs funeral services.

apply *mutatis mutandis*. The amount of benefit is equivalent to 60% of the lump sum survivors' compensation under the IACIA (refer to Articles 24 and 25 of the APPPPW).

② Compensation System for Ex-miners with CWP

As discussed above, sufferers of CWP can receive various benefits under the IACI. In addition, in return for stopping litigation to common law, they are also compensated under the APPPPW. The gist of these benefits is the fact that these schemes enable income maintenance and medical care. However, there are differences between HPP and SPP in terms of receiving these benefits.

The special act compensates all patients with CWP by disability grade.⁷⁵ There are three types of main pneumoconiosis consolidation benefits under the APPPPW: work reassignment allowances, disability consolation benefits, and the bereaved family members' consolation benefits (APPPPW, Article 24 para. 1). Apart from a small number of patients receiving an annuity in the case of severe disability, most patients with CWP used to receive disability benefits by lump sum. However, they already seem to spend these benefits for the cost of living. Therefore, it is, without doubt, assumed that the benefits do not fundamentally contribute to resolving the poverty of patients.

However, in terms of the existence of the nine prescribed complications that are related to CWP, pneumoconiosis patients can go into hospital (namely, the patients move from SPPs to HPPs) and APPPPW provides HPPs with very important benefits until they are healed. The benefits comprise shutdown benefits and medical care benefits. The payment of these benefits continues until the injury/disease

⁷⁵ There is lump sum compensation and annuities in disability benefits. They are paid according to physical disability grades: 1, 3, 5, 7, 9, 11. In the case of annuities, they are only possible for patients with grade 1, 2, or 3. Others are possible only in lump sum compensation.

is completely cured. In particular, the shutdown benefit offers a guarantee of income for the worker unable to perform labour because of the industrial disease. The amount of shutdown benefits, equivalent to 70% of the average wage, is calculated and paid for every day that the employee is prevented from working. Basically, the benefits are given until the complications are fully resolved. Therefore, there are big differences between SPP and HPP in terms of benefits.

Therefore, the older people with pneumoconiosis want to be hospitalised because this guarantees regular income from the shutdown benefits and free medical care from the medical treatment benefits. Therefore, it is important to the sufferer whether or not they have complications. The APPPPW perceives eight diseases as complications of pneumoconiosis: pulmonary tuberculosis, pulmonary emphysema, pneumoconiosis, bronchial inflammation, dry pleurisy, etc.

Likewise, the acceptance of work-off allowance and medical treatment benefit creates the main differences between SPP and HPP. In addition, it tends to the difference in benefits such as survivor benefits and funeral expenses. This is because hospitalisation is a favourable condition in which to receive them. In reality, the majority of HPP have been given these benefits, whereas under 30% of SPP have taken them.

On the other hand, the adjudication process of pneumoconiosis in Korea is as follows. Firstly, the pneumoconiosis examining physicians assigned to the Ministry of Labour carry out the first health examination, which is usually based on the chest X-ray photograph. Secondly, if it is doubted as to whether a person has pneumoconiosis in the first health examination, he/she can be given a second health examination called 'the close health examination of pneumoconiosis'. The result is finally decided by pneumoconiosis examining physicians of the Ministry of Labour and the Pneumoconiosis Deliberation Association of the Korea Labour Welfare Corporation, run by the Government.

There are three current issues regarding the pneumoconiosis problem based on the preliminary survey: the extension of complication range, the settlement of fair process of pneumoconiosis judgment, and the transformation into recuperation institutions from reception to rehabilitation. Firstly, an issue of the debate of complication range extension is whether or not APPPPW permits pneumonia as a complication of pneumoconiosis. Secondly, the Committee for Pneumoconiosis Examination currently judges whether or not a patient has a complication, the level of pneumoconiosis, the criteria of pneumoconiosis, and so on. There are currently 11 doctors who are examiners.⁷⁶ Lastly, the current recuperation policy in Korean centres is not on the reception of patients but on rehabilitation.

5. Ex-Miners with CWP in Britain and Korea: Similarity and Difference

As will be discussed in this chapter, there are similarities and differences between Britain and Korea in relation to the mining industry, miners and pneumoconiosis. In this section, focus will be on the similarities and differences between the two countries, and their meaning will be explained in terms of social policy and industrial diseases.

There are similarities in the areas of development and decline of the mining industry, position and working conditions of mineworkers, identification of pneumoconiosis, and scale of ex-miners with pneumoconiosis. With regard to the coal industry, it was a key industry in

⁷⁶ The ex-president of the Committee for Pneumoconiosis Examination was Dr Jeong and the members of this committee have rarely changed. During this process, some judging doctors like Jeong have had an opportunity to become corrupt. Won thinks that the bribe event is a product of this structure.

both Britain and Korea. In addition, there are similarities with the setup of the workers' organisations that have been convincingly established and have many members.

In addition, the position of mineworkers is similar. They did not have a good social standing because the work was very difficult and dangerous, and, accordingly, people were reluctant to work in mines. In this situation, it was generally recognised that the job was for a man in a low social stratification. The situation of pneumoconiosis and its patients in Britain and Korea also seems to be similar. There has been CWP in two countries that ranked first in terms of industrial diseases and the disease is still the main industrial disease in these countries, although it is gradually disappearing. On the other hand, most patients with pneumoconiosis are the elderly over 65 years old in both countries.

In addition, it seems that there are similarities between Britain and Korea in terms of the social welfare system. In particular, it is mentioned that there is a resemblance of industrial injury benefits in Britain and Korea. The industrial injury benefits of Korea are almost the same as those of Britain in terms of the kind of benefits and their contents. In some aspects of contents, Korean institutions are better than British.

However, there are many more differences than similarities between Britain and Korea. With regard to the coal industry, there is a decisive factor in creating the big differences in ownership structure of mines between Britain with nationalized coal industry and Korea with mainly privatized coal industry.

The ownership structure naturally leads to a difference in the scale of mines. Mines based on plans for long-term and high mechanisation existed in Britain, while mines in Korea were owned by small and extremely profit-orientated employers, as well as some big companies. It is natural that there were different working conditions. Mining owners preferred manual labour to mechanisation and were

interested in strategies to increase productivity rather than to strengthen safety. On the contrary, Britain was relatively interested in safety and mechanisation.

This difference reflected an attitude to handle dust in the workplace. In the case of Britain, the industrialised company NCB also tried to protect miners from dust. From 1947, 'the NCB placed a much higher priority on health and safety than had previously been the case with the private owners, and by the mid-1950s it had established a comprehensive health and safety infrastructure, which included the Mines Medical Service, the X-raying of all new miners, and the Pneumoconiosis Field Research, while important links were established between the NCB, the Safety in Mines Research Board and the National Joint Pneumoconiosis Committee' (McIvor and Johnston, 2007: 182). As a result, 'the effort which it did deploy was one of the reasons that rates of CWP fell' (McIvor and Johnston, 2007: 183). On the contrary, mining employers in Korea did not put their interest in occupational health and safety because their priority was mainly productivity. Therefore, industrial injuries were often hidden and miners were not educated about the dangers of pneumoconiosis.

With regard to the recognition of pneumoconiosis, there was basically interaction between employers, the Government and trade unions in Britain, while the Government and experts played a key role in finding miners with pneumoconiosis. The crucial difference in recognising pneumoconiosis as an industrial disease was the role of trade unions. Bufton and Melling (2005: 66) indicated two factors in the recognition of pneumoconiosis in Britain: 'firstly, the struggle of trade unions for an extension of compensation rights; and secondly, the activities of physicians and campaigners who were primarily involved in the diagnosis, treatment and prevention of tuberculosis'. In Britain, trade unions employed experts for investigation and making proofs of

pneumoconiosis, and pushed the Government and experts into research. Therefore, the British trade unions were at least a gauge lamp in investigating and recognising pneumoconiosis. In contrast, in Korea, trade unions and the Government, as well as mining owners, had kept silent about pneumoconiosis, while they were very positive to advance productivity.

Regarding miners' organisations and industrial relations, there were great differences between Britain and Korea. Despite being an industrial union in appearance, the FKCWTU did not have hegemony on individual trade unions while the NUM carried out its role as an industrial union. Collective bargaining in the Korean mining industry was confined to annual wage bargaining with a coal-owner in a company. On the contrary, the NUM discussed and compromised social policy-related issues as well as economic issues with NCB, a state-run company, on an industrial level.

There are significant differences in social security in Britain and Korea despite the similarity in appearance. The British elderly are more comfortable than the Korean elderly because of relatively institutional social security. Britain offers free medical care and provides a social safety net with a comprehensive care system for people, including a variety of areas such as families with children, unemployed people, those on low incomes, elderly people, sick and disabled people, bereaved people, and others. On the contrary, Korean social security is recognised as 'residual' in terms of income maintenance and national health services. Therefore, industrial accident workers in Korea yearn to receive the benefits of the IACIA. In this context, ex-miners with CWP try to receive benefits such as shutdown benefits and medical treatment from the APPPPW, and hospitalisation for complications can meet this requirement.

On the other hand, the British worker who has an industrial accident can be provided with free medical treatment and social benefits under the social security system outside the IIA, such as income-based jobseeker's allowance, income support, basic retirement pension, statutory sick pay, incapacity benefit, and so on.

CHAPTER 4. COMPENSATION POLITICS AROUND CWP IN BRITAIN

1. Development of Industrial Injuries Compensation and CWP

As discussed on Chapter 3.4, Britain's industrial injury insurance laws used to be based on the IIA (1946) which replaced the WCA (1897). However, the IIA was incorporated into the Social Security Act in 1986 which is now the legal source to be consulted regarding industrial injury. Likewise, there are important conversions of schemes related to industrial injuries compensation; the introduction in 1987 and several revisions of the WCA, the introduction of the IIA in 1946, and the incorporation of it into the Social Security Act (1986).

Before the introduction of WCA, industrial injuries were dealt with by the Compensation Under Common Law Act or Compensation Under Employer's Liability Act in 1880. This legislation placed employers' responsibility for injuries upon negligence or breach of duty (Brown, 1982: 1). However, it was difficult for workers to prove that employers were at fault. In terms of the first of our modern social insurance provisions (DHSS, 1981: 1) and reform of previous problems, there is no doubt that the WCA (introduced in 1897) was the most important piece of legislation in spite of criticism from some scholars. In particular, the WCA was based on a principle of liability without fault (DHSS, 1981, 1). This means that workers did not need to prove that their injuries were the fault of their employers. In addition the provision of cash benefits as of right and without a test of means was introduced

(Pearson, 1978: 26-27). The WCA 1897 “first required employers to compensate workers for earnings lost as a result of accidents arising ‘out of and in the course of’ employment” (Clark and Smedley, 1995: 4).

The act applied only to certain hazardous industries, namely employment on or in railways, factories, mines, quarries, engineering works or buildings over 30 feet high (Pearson, 1978: 28-29). However, later, it was extended in 1906 to apply to sufferers from a scheduled list of industrial diseases (DHSS, 1981: 1).

The Beveridge Report recognized the positive role of WCA, but presented the following criticisms: long and complex court litigation, limited benefits and application, just payments of compensation in lump sums and no provision for the medical and industrial rehabilitation of the injured worker (Beveridge, 1942; George, 1968: 170).

Based on these criticisms, the Beveridge Report was proposed and the Labour Government realized it as the IIA in 1946 (refer to Chapter 4). The crucial point was the incorporation of workmen’s compensation into National Insurance. The merging meant “a logical and inevitable progress from the principal of indemnity and individual-employer liability to that of social responsibility” (Schweinitz, 1943: 236). The main characteristic was the separation of the IIA from the general social security system which was the case because Beveridge thought that employees injured at work should be treated specially. As a result, benefits from the IIA were higher than other kinds of National Insurance.

The IIA replaced loss of earnings with loss of faculty as the principal basis for compensation. This change prompted the introduction of the percentage disablement scale and there were some other reforms but the substance of the law governing industrial injury benefits remained largely unaltered until 1982 (Clark and Smedley, 1995: 4; Wikeley and Ogus, 2002: 715). However, a gradual process of integrating the scheme within the general structure of social security proceeded. In the middle of

the 1970s, the separate Industrial Injuries Fund was abolished and differences between the general National Insurance and the industrial injury schemes proposed by the Social Security Acts decreased (Wikeley, 2002: 715; Clark and Smedley, 1995: 4). In addition, there had been criticisms about the justification of preferences for injured workers. The Disability Alliance put the point forthrightly as follows: “the distribution of preferential compensation through the industrial injuries scheme on the basis of place and cause of disability, when the majority of people having the burden of severe disablement in our society are excluded, offends principles of social justice” (DHSS, 1981: 2).

In the light of this situation and criticism, the Government tried to reform the IIA and the Government with specific proposals for bringing about these changes set out in the ‘Social Security Act 1975: Reform of the IIS’ (DHSS, 1981). Finally the IIA was incorporated into the Social Security Act.

With regard to compensation for pneumoconiosis, there was the introduction of relevant basic schemes in 1928, 1943, 1946, 1974, 1979 and 1993. Because other schemes will be examined elsewhere in this thesis, this section will focus on the Various Industries (Silicosis) Scheme in 1928 and The Coal Mining Industry (Pneumoconiosis) Compensation Scheme in 1943.

There was an important new scheme entitled the ‘Various Industries (Silicosis) Scheme’ introduced in 1928 because it meant the official recognition of pneumoconiosis. However, there were some problems with this scheme. Essentially miners were put through a complicated procedure in order to establish what benefits they were entitled to. For example, workers who were certified as suffering from silicosis were unable to secure benefits as they failed to prove that they had been working by what was deemed to be ‘the process’. Hundreds of working men failed to establish their claims on account of this restrictive

condition of the scheme. Thus, such large restrictions did not bring many sufferers within the scope of benefits (Evans, 1963: 2). The scheme only covered pneumoconiosis caused by silicosis.

During World War II, working conditions in pits kept on worsening because of the speed and intensity required to dig the amount of coal needed for the war effort. Coal mined and the rate of injuries caused were both rising but disability benefits were not enough for people to survive on (McIvor and Johnston, 2007: 196-197). In this context, there was an important development related to pneumoconiosis when the Coal Mining Industry (Pneumoconiosis) Compensation Scheme in 1943 was introduced. The introduction had two basic impacts on pneumoconiosis and compensation related to it; the recognition by the CWP that pneumoconiosis was an industrial disease and the inclusion of surface workers in compensation. In other words, the former effect extended the CWP's remit beyond just silicosis while the latter widened coverage to surface as well as underground workers. In addition, in 1943 the Pneumoconiosis Benefit Scheme was introduced which applied to men who had been employed in or about any coal mine on or after the 22nd October, 1934 but not later than the 30th June, 1943. This allowed for the medical re-examination of men whose condition had worsened in that period (Evans, 1963: 6).

There were two complaints about the 1943 scheme from trade unions. Firstly, as an interpretation of the scheme, the South Wales Miners' Federation maintained that the expression 'caused' by pneumoconiosis should read 'caused and accelerated by'. Secondly, as an issue regarding the jurisdiction of pneumoconiosis, the NUM were also concerned about maintaining the system of certification through the state. That is to say, the NUM criticized the fact that the NCB's Mines Medical Service's intention to take over this responsibility. In fact, the union was also concerned about the continuing tensions between community GPs

and NCB Medical Advisors over assessments of fitness for disabled miners to return to work in the mid/late 1940s (McIvor and Jonston, 2007: 202).

2. Post-war Consensus and Welfare Politics around IIA 1946

There were important nodes in introducing the IIA (1946); (1) The Beveridge Report submitted in December 1942, (2) the White Paper of Coalition Government in September 1944, the Churchill's Caretaker Government Bill titled the National Insurance (Industrial Injuries) Bill in June 1945, (3) the Labour Government Bill in August 1945, the legislation of IIA in July 1946 and its effectuation in July 1948 (refer to Colwill, 1986: 7; Brown, 1982: 25-33; Bartrip, 1987: 168-213; Young, 1964: 87-107). In this section of the thesis, events pertaining to the perspectives of the government, employers and trade unions will be explored as well as compensation policies for injured workers focusing on points of issue regarding the introduction of IIA in 1946. But firstly the background of the introduction of IIA must be examined.

Post-war Consensus, Beveridge Report and Advent of the Labour Government

By and large, there are three factors to consider vis a vis the context of the IIA introduction: the post-war social consensus, the Beveridge Report and the achievement of political power by the Labour Party. These factors

contributed to the introduction of the law in their own ways. The Beveridge Report was based on the substantial content and direction of the Act, the socio-political support for a social security system stemming from the post-war social consensus. The Act could find the impetus to be realized when the Labour Party was elected to government.

The wartime consensus and the post-war consensus basically demonstrate the fact that there were similarities and resemblances in policies between the Labour and Conservative Parties. There was much overlap between both sides in the economic, social and foreign policies pursued during the Second World War and the post-war period until the breakdown of this consensus in the 1970s (Seldon, 1991:41).

The post-war consensus was largely consolidated by the Labour Government of 1945-51, but its genesis was in the war years, 1939-45. Six years of war united the country against a common enemy while the privations that were a concomitant of it instilled a widespread desire for a new start and a better tomorrow. The comradeship of the war had also helped blunt some of the sharper edges of British class differences. Meanwhile, the coalition government (1940-45) fostered social and intellectual links between socialists and conservatives. The common daily effort to defeat Hitler had taken a big bite out of the ideological differences between the two main British political parties (Seldon, 1991:41). The consensus can be understood in the context of how economic and social policies crossed over between both parties. In terms of economic policy, there was a general acceptance of Keynesianism which was characterized as being for a mixed economy and full employment. Regarding social policy, the Beveridge Report which provided united social security was agreed to be the best move forward.

This hybridizing of Keynesianism and Beveridgism, was implemented under the Labour government of 1945-51. Looked at in more detail, Labour Government delivered full employment, created the

National Health Service and an ambitious social security programme, placed the utilities of gas, electricity, rail, coal and steel under public ownership and began the process of granting the colonies independence which would continue over the next thirty years. When the Conservative Party was returned to office in 1951 it kept many of these policies on (Kavanagh, 1996: 11). The political consensus can be presented in the term, 'Butskelism' which symbolized convergence of policies between the Chancellor of the Conservative Party, Butler, and the Chancellor of the Labour Party, Gaitskell.

On the other hand, the Beveridge Committee alternately titled 'The Inter-departmental Committee on Social Insurance and Allied Services' was established in June 1941 to inquire into the wide range of anomalies that had arisen as a result of the haphazard and piecemeal growth of the social security system over the previous fifty years (Harris, 1977: 378).

The Committee came about as a result of broad public demand, especially during the Second World War. It investigated basic problems that had long been argued about until finally submitting a plan for social security. The main intention was to abolish Want but it could only succeed if other 'giant' problems were addressed at the same time. Sir William Beveridge listed three assumptions underlying his proposals: provision would be made for allowances for dependent children, for comprehensive health and rehabilitation services and for the maintenance of employment. And he might have added, with an eye to the two giants of Ignorance and Squalor, education and houses for the people (Marshall, 1975: 84; Beveridge, 1942: 8, para. 14).

On the other hand, there was a duality and complexity in the organizations and administration of the insurances and assistance (Schweinitz, 1943: 227-228). These inefficient and overlapping administrative organizations had long been indicated as a big problem of

the British welfare system. Therefore, the Beveridge Committee defined its mission as follows: “to undertake, with special reference to the inter-relation of the schemes, a survey of the existing national schemes of social insurance and allied services, including workmen’s compensation and to make recommendations” (Beveridge, 1942: 1).

The conclusion of the Beveridge Report also resulted in fundamental reform to workmen’s compensation by incorporating it into social insurance:

“Sir William Beveridge is a great enthusiast for social insurance and it was, therefore, very helpful to receive from him a very cogent statement of the reasons for converting workmen’s compensation into a social insurance plan” (Mr James Griffiths, Hansard 414, 1945: 288).

In addition, it is commonly believed that the report played a key role in bridging the past and future for workmen’s compensation. After critical examination of the existing WCA, the Report approached the question from a different standpoint to that of the Royal Commission, but taking into account both the printed evidence before the Commission and further evidence tendered to the Committee (Beveridge, 1942, par. 38).

After its publication, the Beveridge Report was recognized as the criteria for establishing a broad consensus about the assumptions that were to govern the new scheme. It therefore represented a closure of the dispute which had hitherto characterized all earlier attempts to change workmen’s compensation law (Colwill, 1986: 146).

The crucial factor in the realization of the Beveridge Report was the efforts of the Labour Party government in power. The 1945 general election yielded an overwhelming victory for Labour, led by Clement Attlee. There are several reasons for their comprehensive electoral success but the important element was the support of voters which stemmed from the belief that the Labour Party could instigate a welfare

state. At that time, just after the end of war, most voters were concerned about jobs, houses and poverty etc., and tended to view the Labour Party as more reliable on these issues. On the contrary, there was a widespread feeling that “the Conservatives were out-of-date, the ‘old gang’, who had failed to deal with the inter-war problem while Labour a tried and trusted team of varied talents, speaking in the varied and authentic accents of the people and responsive to their needs” (Childs, 1986: 13-14). Labour’s victory made them strong enough to incorporate WCA into social insurance.

Points in Dispute: Consensus and Confrontation

The WCA had been criticized for serious defects (refer to Beveridge, 1942, para. 79; OMR, 1944: 5, 9, 12; George, 1968: 170). Therefore, the scheme had involved long and complex court litigation between employers, trade unions and insurance companies. Workers had complained thus:

Under the old system, disputed claims were dealt with in the ordinary Court of Law, and we have often witnessed the costly spectacle of a case involving important questions of principle being fought out first in the County Court, then in the Court of Appeal and finally in the House of Lords. Often the amount involved in the case was small, but the long legal battle had nevertheless to be fought remorselessly to its finish, at whatever cost and delay (TUC, 1949: 4-5).

The conflicts in litigation created big burdens for all concerned and adversely affected industrial relations. In addition, there were also many flaws in the level of compensation because of the lack of complete security for payment of compensation and the ineffectuality of lump sum settlements. Therefore, workers were not provided with a permanent

source of income. In particular, the WCA made no provision for the medical and industrial rehabilitation of injured workers.

Before these problems of the WCA, there had been many government and trade union-conducted trials and much evidence presented indicating the need for reforms to the WCA. According to a TUC paper submitted to the Royal Commission, trade unions had made many efforts to improve the existing law:

We have maintained this view consistently for a considerable period. As long ago as 1925 we decided to draft a Bill, embodying the full demands of the Movement. In February, 1933, a Bill drafted by us was introduced as a Private Member's Bill in the House of Commons, but failed to obtain a second reading. Two similar Bills met with a similar fate in May and November respectively of 1936. .. In our opinion the necessary changes can only be brought about by repealing, inter alia, the whole of the Workmen's compensation Act of 1925, which are set out in this evidence (TUC, 1939: 3).

In this regard, it was natural to revise the WCA. Therefore discussions on the reform had been going on within the Royal Commission since 1939 and the Beveridge Report suggested a plan for workmen's compensation based on previous research and experience. As a result, the White Paper of the Coalition Government in 1944 made many agreements but there were still plenty of points at issue as can be seen in the following statement by the Minister of National Insurance Mr James Griffiths in the Second Reading of Parliament (10 October 1945):

"The broad principles on which the scheme of industrial injuries insurance is based were decided first by the Coalition Government, and were outlined in Part II of the White Paper to which I have already referred. When the White Paper came up for discussion in the House there was general agreement upon the new structure and upon the principles embodied in the White Paper. However, many of the detailed points in the scheme were criticised in the debates which then took place, and in the light of the views expressed at that time and of various representations made by both sides in industry since those debates certain modifications were introduced by the late Government" (Hansard 414, 1945: 267).

Generally speaking, there were points in dispute in four areas regarding legislation of workmen's compensation: incorporation of the act into social insurance; management of the insurance; contribution of funds; compensation. However it should be highlighted that the first subject area covered others. In other words, if the system could be changed into a social insurance system, administration of institution, type of compensation and contribution would have to change in tandem with a principle of public insurance.

As a rule, employers tend to dislike the intervention of the state in the issue of industrial injuries. In actual fact, Peake, who had been the Home Office Minister responsible for the reform of workmen's compensation in the pre-election Coalition Government, found employers to be generally hostile to the Beveridge's workmen's compensation proposals. Indeed, their views expressed within the Beveridge committee asserted that the existing system should not be changed. They preferred the retention of that system even if it were to be more costly than an alternative. This was because they feared the consequences of reforms which could impose hitherto unsuspected financial obligations (Bartip, 1987: 195) although all the employers' attitudes in the change of WCA were not the same (refer to Beveridge, 1942, para 94). However, while employers could not but accept the change they refused to give up their interests. In this context, employers tried to institute the reform by pooling their resources with workers and the Government:

The British Employers Confederation ... desired ... to make it clear that 'notwithstanding this divergence of opinion, the employers in all industries are unanimous on the principle that, so long as workmen's compensation is paid for entirely by employers, the administration of that service should continue to remain in the hands of the employers' (Beveridge, 1942, para 94).

On other hand, trade unions had agreed to the plan of social insurance although the change resulted in the financial burden for pooling. In other words, they had well known that the social insurance meant the conversion of workmen's compensation only by liability of employers into a tripartite contributory scheme. Nevertheless, "the unions intimated willingness for workmen's compensation to be organised as a contributory social insurance scheme although they had been adamant that employers should bear sole responsibility for finance" (Bartip, 1987: 196). Why did trade unions demand the reform of the CWA?

Firstly, it was expected that the level of compensation would be raised. W.P. Allen, General Council of TUC, agreed that "some employers would pay more and others less, but if the Scheme were to be accepted in the spirit the Government desired, the benefits would have to be improved. For example 35/-a week for a single man would not be adequate if the workers were contributing to the Scheme" (PIN 21/1, 22 December 1944: 2).

Although this proposal involves acceptance by the worker of a substantial part of the liability which now belongs exclusively to the employer, we think it ought to be agreed to provided that these is a fair return to the workman for the additional liability which he is accepting (PIN 21/1, 7 November, 1944: 1)

Secondly, what they had long wanted to see terminated was for their control over the administration of the WCA and accordingly the extension of their rights.

Employers and workmen will pay the same weekly contributions ... from the workman's point of view it would seem desirable that he should be on an equality in this respect with the employer. Moreover, it is proposed that workers and employer should share equality in the development and administration of the Scheme, being equally represented on the Advisory Committee or Council and on the local appeal tribunals, and equal contributions are a natural, if not necessary corollary of such arrangements (OMR, 1944, 19-20).

On the other hand, in light of the government's attitude, the reform needed seemed to be "because of the adverse effect which such a system had upon industrial relations, and also because establishment of the principle of employee contribution would inhibit pressures continually to raise benefit levels regardless of the scales applying under other schemes" (Bartrip, 1987: 194).

As discussed above, once workmen's compensation was aligned with social insurance, the other points at issue - tripartite contribution and administration - would naturally be accepted. However, all the points in dispute were not resolved. Trade unions aimed to lower their contributions, increase compensation and add rights on administration, while employers wanted the reverse:

The proper method is to consider what are the right rates of benefit to fix under a Social Insurance Scheme and once they are settled, to consider in what proportions the cost should be shared between employers, insured persons, and the Exchequer. In arriving at a division as between employers and insured persons it might be reasonable to take into account the fact that the employers have borne the whole liability in the past and call on the employers to make a greater contribution than the insured persons, but there are weighty considerations against this – an equal division is the principle adopted in National Health and Unemployment Insurance and an equal division is a natural corollary to giving insured persons and equal voice in the administration and development of the Scheme (PIN 21/1, TUC, 7 November 1944: 1-2).

In this context, the General Council of the TUC recommended less contributions by workers than employers. More specifically, the General Council proposed 6d. from the employer and 3d. from the worker (TUC, 1946: 93).

With regard to contributions there had been a difference of opinion between the TUC and the MFGB, which became the NUM in 1944; the TUC urged that workmen's compensation should become a

social service separate from all other services, with compensation related to earnings in all cases and financed by a direct levy on all employers varying with the degree of risk. On the other hand, MFGB opposed the suggestion of making each industry contribute according to its risk while agreeing in other respects with the TUC. It urged that the cost of all accidents wherever occurring should be borne by all employers' equally (Beveridge, 1942, para 93, 25).

This difference over the financial liability of employers had existed as far back as the Royal Commission in 1938. The MFGB proposed a complete pooling of the cost across industry on an equal basis without considering the risks to any particular industry sector. It was expected that this approach could relieve the substantial financial burden from the mining industry. The TUC, on the other hand, maintained a pooling of the cost among all employers, with an additional special levy on hazardous industries. This meant that the contribution would be different according to each industry's risks. From this point of view, the mining industry with high occupational risks should take a big burden" (Colwill, 1986: 76-77). This issue was dealt with in the Beveridge Report and after that in terms of whether or not the principle of social insurance would be retained.

As can be seen above, there were points in dispute not related so much to principles such as introduction of social insurance in the workmen's compensation scheme, participation of trade unions in administration and contribution of trade unions for pooling, but around how much payment should be made for pooling, how much responsibility involved in the government and how much benefit payments should be available for compensation.

With regard to compensation, there was a clear difference between employers and trade unions. While trade unions wanted to take more comprehensive provision, employers hoped that workers should be

paid at a lower level in smaller items. Employers worried that the high compensation would lead to a financial burden and finally result in an economic crisis:

He [Mr. Boyd, Chairman of Confederation Committee in British Employers' Confederation] had not come to discuss the Bill in detail but wished to make a few general observations on the principles of it. He referred to their previous talk with the Minister's predecessor, Lord (then Sir William) Jowitt, and reiterated that though they did not like the provisions of the Bill, they accepted it. He understood and sympathised with the workmen's desire for security but he was alarmed at the increase in benefits. It was doubtful whether a Bill conferring such high benefits could be carried by the country without economic disaster (PIN 21/68, BEC, 31 August 1945: 2).

Based on these concerns, employers asserted that the level of benefits for workers should be similar to the level of social insurance:

Mr. Boyd [Chairman of Confederation Committee] had hoped that the Government would propose that same rates under the benefit for both industrial and non-industrial cases. The acceptance of differential rates was an inducement to a disabled person to claim that his disablement had been caused through his employment. The Government had come to a different conclusion and he recognised that the background and history of Workmen's compensation provided some justification for giving special terms to industrial casualties. Nevertheless the Deputation [of British Employers' Confederation] thought that to further widen the difference in rates of benefit between the two schemes would be a great mistake (PIN 21/1, BEC, 14 February 1945: 1).

On the contrary, trade unions and Labour's Secretary of State for the Home Department Herbert Morrison, maintained that workers deserved higher benefits than pensioners in social insurance. Morrison said:

"These are at a higher rate than those proposed under Part I of the social insurance scheme. One justification for that is history. Workmen's compensation has always had special treatment. If the workman is injured in the course of his employment he should, I think- because the nation needs him for its economic well-being- be entitled to more consideration than the ordinary citizen who has bad luck in the ordinary course of affairs" (Hansard 404, 1944: 1400).

In addition, the unionists in the General Council stressed that “an adequate rate of benefit was dependent upon the amount of the contributions paid into the Industrial Injuries Fund” (TUC, 1946: 93). This assertion was based on converting the old compensation system through the financing of employers into a social insurance scheme supported by tripartite contributions including trade unions. Therefore unionists maintained that their higher benefits were a right.

There were many items included in the compensation benefits scheme but there were essentially three types of benefits to be drawn from an insurance fund financed by contributions from employers, employees and the State: “industrial injury benefit, payable, for a limited period, when an insured person was incapable of work owing to work injury; industrial disablement benefit, payable for loss of physical or mental faculty regardless of ability to work; and industrial death benefit payable to any of a range of possible beneficiaries in the event of the death of the insured person” (Bartrip, 1987: 212). The biggest point at issue was the rate of benefits vis a vis industrial injury. The General Council of the TUC was demanding an increase from 40s. to 55s. per week for the basic injury benefit, and from 40s. to 60s. for 100% disablement for the disablement pension: “We think that the rate of the allowance should be initially 55s. a week to be raised at the end of the fourth week to the pension rate for 100 per cent disablement and that the allowance should be payable from the first day of incapacity in place of after three days as proposed in the White Paper. The children’s allowances should be 7s. 6d. for each child and not only for the first child as proposed in the White paper” (PIN 21/1, 7 November, 1944: 2; TUC, 1946: 93). There was a big gap between the unions and employers:

Sir John Forbes Watson [Director of Confederation Committee] said that they had experienced some surprised at finding the 35s, rate fixed in the industrial scheme for the initial period of disablement since they had made the point in connection with the Temporary Increase Bill which had raised the compensation payment for total incapacity to 35s. that as recommended in the Beveridge Report to be later reduced to 24s., the rate proposed for sickness benefit under the general scheme (BEC, 14 February 1945: 1).

As has been discussed, there were confrontations around incorporation of the old compensation scheme, WCA, into social insurance, IIA. The basic agreement made about workmen's compensation was to change it towards social insurance:

"The main and truly revolutionary feature of the new scheme is that, for the first time, it transfers to the community as a whole the responsibility for the casualties of industry, and I think and hope that the House will agree that it is right that the responsibility for the casualties of industry should rest broadly and firmly upon the community as a whole. It is a complete change of conception, and workmen's compensation under its new title of "industrial injury insurance" will become, for the first time a social service administered for the community by the new Ministry of Social Insurance if the Bill now before the House is, in due course, passed" (Mr Herbert Morrison, Hansard 404, 1944: 1393-1394)

To sum up, the transformation had many meanings because this was based on the types of contribution, compensation and administration of related scheme as well as the acceptance of changes resulting from the social consensus. However, this did not mean a complete agreement. Confrontation arose mainly around the level of benefits and contributions. The following will examine compensation politics focusing on these points.

Compensation Politics: Beveridge Report, White Paper and IIA (1946)

The origins of the IIA (1946) can be traced to the Beveridge Report. Many of the original Beveridge proposals, as modified by the White Paper of 1944, remained intact, although were elaborated in detail after the formation of the report (Brown, 1982: 32). Nevertheless, there had been important changes throughout the discussion and compromises made by the White Paper to the IIA (1946). Therefore, it is at first necessary to scrutinize the formation and proposals of the Beveridge Report to fully understand the IIA (1946). Next, since the publication of Beveridge Report, the events leading up to the enactment of the IIA in 1946 should be described. During the period from the Beveridge Report to the IIA, there was a White Paper, the Churchill's Caretaker Government Bill and the Labour Government Bill.

Beveridge Report: Establishment of Principles

The Beveridge Report covered all the areas of workmen's compensation through discussion and reached a comprehensive conclusion for injured workers.⁷⁷ The most important proposal in the Report was to bring "workmen's compensation (or industrial injury) within the scope of social insurance so that compensation would be received as a benefit instead of having to be claimed from the employer, if necessary in a court of law" (Marshall, 1975: 84). This meant "converting workmen's compensation from a lawyers' paradise into a 'social service'" (Harris, 1977: 399-400)

⁷⁷ The main passages in the Beveridge Report dealing with workmen's compensation are paragraphs nos. 77-105, 258-264, 289-291, 323, 331-336, 353, 360, 366, 393-395 and 401 plus Appendix A (Memorandum by the Government Actuary) paras. 30 and 36-46 and Appendix E (Administrative Costs of Various Forms of Insurance) (OMR, 1944: 9).

and “representing a logical and inevitable progress from the principal of indemnity and individual-employer liability to that of social responsibility” (Schweinitz, 1943: 236).

Six fundamental principles for social insurance of Beveridge⁷⁸ were applied to workmen’s compensation:

Provision for industrial disability should be made as part of a unified scheme of social insurance of a contributory character-the benefits being paid out of a central fund which would be maintained by contributions payable by the employers and workmen and the State, and would be administered by a Ministry of Social Security (OMR, 1944: 9).

As with social insurance, the new scheme would apply to everyone under a contract of service, with no income limits (Bartrip, 1987: 201). Beveridge referred to this thus: “If a workman loses a leg in an accident, his needs are the same whether that accident occurred in a factory or in the street; if he is killed, the needs of his widow and other dependants are the same, however the death occurred” (Beveridge, 1942, para 80).

However, the Beveridge Report departed from the general principles of social insurance indicated by Beveridge himself with regard to flat rates of benefit and flat rate of contribution. Firstly, he was prepared to depart from the principle of flat rate benefits in return for uniform contributions, and to build into the new workmen’s compensation scheme an element of earnings-related benefit in the form of an industrial pension which would only become payable should incapacity continue beyond 13 weeks, but the amount of which would, unlike the disability benefit payable during the first 13 weeks, be earnings-related. Secondly, Beveridge was prepared to depart from the normal financing of such a scheme by recommending that a special levy

⁷⁸ The total scheme for social security was to embody six fundamental principles: flat rate of subsistence benefit, flat rate of contribution, unification of administrative responsibility, adequacy of benefit, comprehensiveness and classification (Beveridge, 1942, para 17; paras 303-309).

be imposed on employers in hazardous industries, thus, in effect depressing the amount of the workers' contributions (Colwill, 1986: 148).

Why then did Beveridge think that "a separate and superior scheme for industrial injuries was necessary" (George, 1968: 171) and accordingly injured workers should receive higher rate of benefits? Because it was a strong case for providing special benefits for industrial casualties, both on historical and on other grounds.

In the industries where most of the industrial accidents occur workmen are exposed to far greater risks than citizens in the ordinary walks of life. In coal mining, for example, in every year one workman out of every six engaged in the industry meets with an accident. The Government think it reasonable therefore to make special provision for industrial casualties, both in disablement and in fatal cases. Further, they agree that benefits should not be conditional on payment of a minimum number of contributions (OMR, 1944: 13).

From this point of view, this scheme could not be unified with the general scheme of social insurance. Rather, it was to be treated as a separate branch of social insurance (OMR, 1944, 13). In addition, there was above all a long tradition behind a separate scheme for industrial injuries (George, 1968: 171) and this historical fact also became a cause of the foundation of a separate scheme.

With regard to the acquisition of funds for an industrial injuries scheme, why did the Report leave out the flat rate of contribution? In other words did it receive the pooling of risks with a special levy? ⁷⁹ Because outside of the dispute over pooling between the TUC and the MFGB, Beveridge took "a middle line":

⁷⁹ "Nor do I think there would have been much support for Sir William Beveridge's recommendation for a special levy on the hazardous industries. A special levy of that kind cuts right across that main idea of a social insurance scheme, which is a pooling of risks between the safe and the hazardous industries" (Osbert Peake, Hansard 414, 1945: 288).

It accepts the argument of the MFGB for the pooling of the cost of industrial accident and disease. It accepts, as limiting the application of this argument, the view of TUC that these risks should remain, in part at least, a charge on particular industries or particular employment. In detail, ninety per cent, of all cases of industrial accident and disease, those causing disability for less than thirteen weeks, will be dealt with in exactly the same way as other disability, by a flat rate of benefit. For most industries the cost will be met wholly and for the other industries to some extent as part of the single security contribution (Beveridge, 1942, para 95).

As can be seen, the Beveridge Report tried to make compromises between trade unions and employers. This shows that the scheme was amenable to the politics of compensation.

Rather than public acclamation, “there was the almost complete absence of any parliamentary contribution in the formulation of social policy in the period following the publication of the Beveridge Report” (Colwill, 1986: 190). In parliamentary debates in February 1943 the proposals for workmen’s compensation received very little attention. Because this issue was part of a grand plan for social security, it was carried along with the rest (Brown, 1982: 22). Thus the Report drew up an outline of principles, directions and categories of social insurance including workmen’s compensation but the substantial contents needed time:

“The detailed recommendations of Sir William Beveridge so far as workmen’s compensation was concerned were devastatingly disappointing. I shall never forget the look of gloom on the face of the present Minister of Labour [George Isaacs] when he came to see me and discovered that Sir William Beveridge had suggested that the industrially injured, for the first 13 weeks should be reduced to 24s. a week. Nor could I have stood for Sir William Beveridge’s recommendation that lump sums [i.e. industrial grants payable on death from industrial accident or disease to dependants] should continue to be paid in fatal cases. Nor could I have tolerated a retention of the system under which compensation is related to earnings. ...” (Osbert Peake, Hansard 414, 1945: 288).

In terms of the incompleteness of substantial items as well as establishment of basic principles, the following processed to introduce workmen's compensation scheme stemmed from the assessment and discussion of the Beveridge Report.

White Paper and the Government's Bill: Substantial Enactment

After the publication of the Beveridge Report, there were many committees related to the enactment of workmen's compensation. For example, the following institutions handled the scheme under the Coalition Government: the War Cabinet's Committee on Reconstruction Problems, the Official Committee on the Beveridge Report, the Committee on Reconstruction Priorities and the Workmen's Compensation Advisory Committee.

To get into more detail, as a first concrete response to Beveridge, the War Cabinet's Committee on Reconstruction Problems compiled a list of questions for consideration by the senior officials of the relevant departments. The officials, sitting as the Official Committee on the Beveridge Report, worked with high efficiency between 3 December 1942 and 9 January 1943. The official analysis of the Beveridge Report was laid before the War Cabinet on 14 January 1943. The Cabinet decided that "consideration of the Beveridge plan, together with the general review of other substantial claims to financial assistance....should be remitted" to the Committee on Reconstruction Priorities. The Committee on Reconstruction Priorities at their twelfth meeting had accepted the scheme in principle, subject to further consideration by the Treasury, and had asked that a detailed scheme be submitted. Mr. Hale said the Treasury's view was that this further consideration should be part of the work of the present Committee. On 11 February the Committee on Reconstruction Priorities issued an interim report which, in several

respects, established the Government's approach to Beveridge. On workmen's compensation, however, the report observed merely that further examination was required (Bartrip, 1987: 194-195) The Home Secretary was asked to liaise with the Ministry of Pensions and other officials in order to draw up a detailed plan. As a result Workmen's Compensation Advisory Committee was established under the chairmanship of Osbert Peake (Bartrip, 1987: 194-198; PIN 8/18, 25 June 1943: 1).⁸⁰

The Workmen's Compensation Advisory Committee met for the first time on 25 June 1943.⁸¹ During the next few months this part-time committee substantially revised the proposals laid before the Committee on Reconstruction Priorities by Herbert Morrison. It planned in detail, without taking external evidence, what was to become the industrial injuries scheme. The committee began its deliberations from the starting points of the Beveridge Report and official reactions to it, culminating with the Committee on Reconstruction Priorities meeting of 4 June. The committee soon accepted the basic Beveridge framework of a contributory scheme fully integrated with other social insurance schemes but disagreed with his proposals for assessing benefits. In September the Home Office drew up a memorandum, based on the Workmen's Compensation Advisory Committee proposals, for submission to the CRP. The Home Office accepted that there were certain weaknesses in its plans, but expressed a willingness to tolerate these given its advantages. It was discussed at the Committee on Reconstruction Priorities meeting on 5 November. With this proviso the Home Office scheme was accepted.

⁸⁰ Meanwhile, there were parliamentary debates in February 1943 but little was said about workmen's compensation. Most speakers contented themselves with criticism of the Coalition for failing to promise immediate implementation of the Beveridge Report (reference to Hansard 386 (16-18 February 1943): 1613-94; 1765-1916; 1964-2054).

⁸¹ Refer to six minutes about internal discussion in WACA: 25 June, 2 July, 9 July, 29 July, 6 August, 13 August.

The Home Secretary was then requested to put his department to work in drawing up a White Paper. A draft was placed before the recently created Reconstruction Committee on 16 March 1944 and discussed at the meeting of 13 April. After further discussion and revision it was submitted to the War Cabinet on 30 June 1944. The White Paper was published in late September (Bartrip, 1987: 198-201).

As seen in the long-running discussions around workmen's compensation, substantial results were achieved. Therefore, the Paper provided a comprehensive solution to the problem of workmen's compensation after the Beveridge Report and the IIA contributed to the paper. The White Paper for Social Insurance was separated into two parts. Part 1 dealt with the broad plan and Part 2 with a proposed new Industrial Injuries Scheme. The Government made it clear that, though it generally agreed with the Beveridge Report, it was however, unable to accept some of its recommendations (Choudhuri, 1962: 159).

This Paper confirmed the principle of social insurance based on the recommendations of the Beveridge Report: "The general conclusion reached by the Government is that the time has come when the present system should be replaced by a new scheme, the general structure of which should be based on the accepted principles of social insurance" (OMR, 1944: 12). In this context, the Government proposed that provision for disablement or loss of life from industrial injury should become a social service, administered as a separate scheme but under a Minister of Social Insurance. Benefits at special rates would be paid from a separate insurance fund, to which the employer, workmen and Exchequer would be contributors (OMR, 1944: 5).

With respect to individual items, for each insured person, rates of contribution would be 6d. per week for adult men and 4d. for women, shared equally between employers and employees. Contribution from juveniles would be at half these rates. It was estimated that these

contributions would provide five-sixths of the income of the fund, leaving one-sixth to be contributed by the Exchequer. Under this arrangement, employers and workmen would each contribute five-twelfths of the cost and the Exchequer would contribute one-sixth (OMR, 1944: 19-20; Bartrip, 1987: 201-201). In regard to industrial injury allowance, the rate of allowance was initially 35s. weekly, but if the workman had not previously been assessed for pension it would be raised at the end of the thirteenth week to the industrial pension rate for 100 per cent disablement (OMR, 1944: 22).

On the other hand, the hazardous industries levy in the Official Committee on the Beveridge Report was rejected on the grounds that it would involve administrative complexity and inflict economic harm upon weak industries. Thus any possible gains in safety would be outweighed. The idea of perpetuating employers' exclusive financial liability in permanent disability cases was rejected since this would conserve aspects of the existing system and would, therefore, be unacceptable to organised labour (Bartip, 1987: 196):

"We rejected the proposal in the Beveridge Report for a special levy on the hazardous industries for two reasons, First of all, the more I thought about it, the more I came to the conclusion that it was wrong to put an additional, special burden on the hazardous industries. Some of them, including mining, are not easy industries, and to place an additional burden on them would be wrong ... They are hazardous because of the nature of the industry, and not necessarily because of the particular carelessness of the people engaged in them. Secondly, I thought it right to have a complete pooling of risks, and that is why we have widened the scope of the people covered. The scheme is comprehensive; it applies to everybody over school-leaving age working under a contract of service or apprenticeship, and that should be remembered in relation to the financial basis of the scheme. It will provide sources of income which are much wider, and cover many more people, than before. That will improve the financial basis of the scheme" (Mr Herbert Morrison, Hansard 404, 1944: 1394-1395)

In summary the White Paper on workmen's compensation was basically in line with the Beveridge Report: "the Government agree with the proposals in the Report that the new scheme should be comprehensive in scope-that is, that broadly speaking it should apply to all persons working under a contract of service including non-manual workers without any income limit; that the cost should be borne by a central fund maintained by contributions from employers and workmen, with a contribution from the Exchequer; that claims should be dealt with by administrative rather than legal procedure; and that the responsibility for the general administration and supervision of the working of the scheme should rest on the authority responsible for the general scheme of social insurance" (OMR, 1944: 13).

However, despite a general adherence to Beveridge's analysis and recommendations, four of his main proposals were excluded from the White Paper because they constituted 'unwarranted departures from the generally accepted principles of social insurance', or because they threatened to perpetuate unsatisfactory features of the existing system, or because they would give rise to new difficulties. The rejected ideas were: "Limitation of special rates of benefit to cases lasting more than thirteen weeks; Earnings related benefits; Lump sum payments in fatal cases; a special levy on employers in hazardous industries (Bartrip, 1987, 202; OMR, 1944: 13).

The White Paper's publication was greeted with a chorus of approval. Home Secretary Morrison, when introducing the White Paper in the House of Commons, pointed out that "the main and truly revolutionary feature of the new scheme is that, for the first time, it transfers to the community as a whole the responsibility for the casualties of industry" (Hansard 404, 1944: 1393). The newspapers also supported the Paper:

By creating a new social service, by removing it from court administration, by putting an end to lump sum settlements, by abandoning the relation of compensation to loss of earnings, the Government are making a clean sweep of a system which has served its time and has become a source of perpetual friction between employers and workers. The new system will cut away an immense undergrowth of anxieties, temptations, and causes of needless dispute, and will clear the ground for a new and constructive approach in the treatment of industrial casualties. In future it will be possible as never in the past to free the injured worker's mind from obsession with ill-health, grievance and financial insecurity for the more helpful task of getting well for useful work (The Times 28 September).

The Labour Party of course welcomed “the Government’s acceptance of the need for a completely new basis for Workmen’s compensation, and the proposal for eliminating legal processes and business insurance interests with now exist” (Labour Party, 1944: 6; (PIN 21/1, 7 November, 1944: 1). The TUC was of this position: “Mr Allen said the Trade Union Movement was thinking in terms of the whole Scheme and much would depend on the form of the Bill” (PIN 21/1, 22 December 1944: 1).

However, both parties did not hide their antipathies. First of all, the rate of benefit (35s. weekly for the first 13 weeks) was criticized: “we are seriously concerned about the inadequacy of the benefits and are convinced (a) that the general level of benefits should be raised, (b) that they should be payable from the first day, and (c) that adequate medical services should be provided for the injured workman with all necessary treatment, rehabilitation, training, and resettlement” (Labour Party, 1944: 6). Also, the TUC was not satisfied with the rate of contribution as compared to the rate of benefit: “Noting that it was financially no more generous than workmen’s compensation, the TUC stated that tripartite funding would only be acceptable to the movement if it yielded substantially improved benefits payable after less delay ... we think it ought to be agreed to provide a fair return to the workman for the additional liability which he is accepting. To pay for these improvements

it was suggested that the employer's contributions should be doubled to 6d. per week" (Bartrip, 1987: 204).

After the publication of the , there were parliamentary debates about workmen's compensation (24 October 1944 - 28 November 1944). Peake said that Parliament had generally been favourable to the Scheme in Part II (PIN 21/1, 22 December 1944: 1). Likewise, despite some criticism, the debate was almost unanimous in its desire to set workmen's compensation on an entirely new footing and to get reforming legislation on the statute book, together with the decision to link the new Industrial Injuries Scheme with the much larger general Social Insurance Scheme which commanded widespread support (Brown, 1982: 24).

Through discussion Churchill's Caretaker Government transformed the White Paper into its National Insurance (Industrial Injuries) Bill on 6 June 1945. Two minor concessions in the Bill were conducted: industrial injury allowance was increased from 35s. to 40s. per week, and the dependant's allowance was increased from 8/9d to 16/- to bring it into line with allowances under the general social security scheme (Colwill, 1986: 229). As seen, the Bill diverged little from the principles laid down in the White Paper. However, the Bill was at once halted by the announcement of the general election and dissolution of parliament.

Legislation under the Labour Government

The final examination of IIA (1946) was conducted after the 1945 general election which the Labour government won with a landslide parliamentary majority by gaining 393 of the 640 parliamentary seats. Shortly after taking power, the government began its own deliberations on the question of the reform of workmen's compensation, referring it to the newly established Social Services Committee, a sub-committee of the Cabinet. The issue was first discussed at the committee's second meeting

where a decision in principle was taken to enact the Bill inherited from the Coalition Government “substantially as it was”. On 23 August, Labour Government introduced its own proposal, the IIB, with some minor modifications. This was, therefore, one of the first major legislative efforts of the first Labour Government ever to assume office with a clear mandate (Bartrip, 1987: 209; Choudhuri, 1962: 160). On 22 February 1946, the Bill completed its passage through the Commons and finally received the Royal Assent. The Act took effect in 5 July 1948.

Meanwhile, the Second Reading debate on the National Insurance (II) Bill took place in the House of Commons on 10 and 11 October 1945, and there were discussions in the Standing Committee from 30 October to 13 December 1945.

During these processes, there was an interesting event⁸² - the rate of benefit in industrial injury was raised from the 40s. originally proposed in the Labour Government Bill to 45s. How was the change explained? A clue lay in the statement of Osbert Peake (Leeds, North):

“The original Bill published by the Coalition Government provided a basic rate of benefit of 40s. On 12th September the TUC met at Blackpool and the Prime Minister made the journey there to address it. Before he arrived on the scene, as I understand it, there was a discussion on the IIB and strong views were expressed that the basic benefits ought to be increased. Nevertheless, when the Bill was printed on, I think, 19th September, the previous rates were incorporated in it, and now on the Second Reading, rather to my surprise, the Minister announced that the basic rate of benefit was to be increased from 40s. to 45s.” (Hansard 414, 1945: 291).

⁸² In the moving that the Bill be read a second time, Griffiths proposed two significant changes to his original measure, both of which were aimed at appeasing the trade unions. One was for increases in the basic rates of injury benefit and disablement pension; the other was to allow the worker to claim a 25 per cent addition to his medical board assessment (providing the overall assessment did not thereby exceed 100 per cent) if he could demonstrate inability to follow his previous occupation or to be retrained to follow an occupation of an equivalent standing (Griffiths, 1969: 82-84).

In actual, the testimony of the Member of Parliament was found to be true with the description of Pelling (1984, 99-100):

Greenwood promised to meet a TUC deputation and 'explain to them the position'. When he did so, however, he was bluntly told that 'if the Bill were not to meet substantial opposition from the Government side, some concessions would have to be made'. He persuaded them to compromise on the basis of an increase of the maximum to 45s. per week, instead of the 55s. which they had been demanding. Greenwood was also obliged to recognise the need for special concessions for the 'partially incapacitated persons whose injuries made it impossible for them to resume their former employment'. Here the extreme case was that of the 'compositor's finger', which would prevent a printer from following his accustomed occupation. It was agreed that a concession should be made to the extent of 25 per cent of the flat rate, that is, to begin with, 11s. 3d. Greenwood referred to these two changes in his speech winding up the Second reading debate on 11 October (Pelling, 1984: 99-100).

As mentioned above, there were some changes⁸³ including rate of benefit but the Labour Party bill was, in all major respects, identical to that introduced two months earlier, as Boyd who was a deputation from the British Employers' Confederation stated:

"New Bill relating to Industrial Injuries, which was to be read a second time in the House of Commons next October, would be on the same lines as the one introduced by The Coalition Government" (PIN 21/68, BEC, 31 August 1945: 2).

In certain respects, however, the bill was somewhat more liberal and generous to the beneficiaries than its predecessor. Thus, the serious and wilful misconduct clause had been watered down, pensions were to be higher and artificial limbs and other appliances were to be supplied to the injured free of charge or at much reduced prices (Bartrip, 1987: 209).

⁸³ In course of the consideration of the Bill, a few other important amendments were also made raising the rates of basic benefits and introducing a new allowance, a Special Hardship allowance, and it received Royal Assent on 26th July, 1946, in the form of the National Insurance (II) Act of 1946 which came into effect on the 5th of July, 1948 (Choudhuri, 1962: 160).

In regard to individual points at issue, the proposed contribution figure contained in the Bill was 4d. from the employer and 4d. from the worker. It was far removed from the hope that “the contribution should be 6d. from the employer and 3d. from the employee” (NUM, 1945: 620; TUC, “National Insurance (Industrial Injuries) Bill”, 1). On the other hand, 45s. rate of industrial injury, also did not meet the demand of trade unions: 55s.

When the Bill was published in August 1945, trade unions stated that “it was substantially the same as the Bill with the same title introduced in June, 1945” (NUM, 1945: 648). Nevertheless, the TUC assessed IIA (1946) from a very positive perspective: “the new system embodies a number of the fundamental changes advocated by the trade union movement for many years” (TUC, 1949: 1).⁸⁴ On the other hand, the welcome given to the Bill was echoed throughout the Conservative benches and was expressed in very much the same terms.

⁸⁴ According to the evaluations of the TUC, there were six big changes in the act as compared with the old system of workmen’s compensation (TUC, 1949: 4-7) summarized thusly: a state fund, employees now contribute, no more court cases, equal compensation for all, no income limit, ‘election’ abolished.

3. Social Contract and Compensation Politics around CWPS 1974⁸⁵

‘In 1970, the NUM was considerably embarrassed when another trade union, the Amalgamated Engineering Union, successfully fought a case for damages for a pneumoconiotic ex-miner, obtaining an out-of-court settlement of £7,500. Stanley Pickles had worked at an NCB pit in Durham from 1947 to 1960, then left and became a lathe operator. In 1966 he was certified as suffering from pneumoconiosis (actually silicosis and tuberculosis), and the Amalgamated Engineering Union supported his common law case for damages against the NCB. The pit where he had worked had subsequently closed and the records had been lost, a situation which somewhat undermined the defence of the NCB in the case. The settlement in February 1970 was widely publicized in the press and created a furore within the NUM, with some members bitterly criticizing the union for not pursuing similar claims earlier. Albeit belatedly, the NUM encouraged and approved the fighting of such cases by the Areas’ (McIvor and Johnston, 2007: 225-226). Since the case of Stanley Pickles, trade unions had actively backed up litigation of miners with pneumoconiosis based on common law. However, this resulted in a major responsibility to everyone in this area.

In the case of pneumoconiosis patients, “if individuals have to take their cases through the courts the legal expenses will be heavy and

⁸⁵ There are different names for the scheme which was established in 1974 for resolving the pneumoconiosis problem, for example, “the 1974 Pneumoconiosis Benefit Scheme” (McIvor and Johnston, 2007), “NCB Pneumoconiosis Compensation Scheme” (NCB, 1975), “Coal Workers’ Pneumoconiosis Scheme” (NUM, 2005), “Pneumoconiosis Compensation Scheme 1974” (Lewis, 2005), “Pneumoconiosis Compensation Scheme” (Hansard Vol. 872). This paper will use the term, “CWPS 1974” or just “CWPS” for the scheme because it is thought that the term relatively presents sufferers or beneficiaries and objects of the scheme, as can be imagined in the term as ‘a scheme for pneumoconiosis taken to coal workers’.

the time taken will be long. Some of the present sufferers may not be able to mount all the evidence required and some may not survive to hear the result of their cases” (DOE, 1974b: 13-14). NUM had this to say about individual difficulties:

Because litigation was costly and protracted many of the 39,000 pneumoconiotics may well have died before their cases were heard (COAL 31/167, Milles and Grant, pp. 2-3); Another aspect we are concerned about is the mental and physical effect of prolonged court cases on claimants and witnesses particularly where they are in the older age groups and suffering from a high degree of disablement (COAL 96/19, NUM, IRF (CIE) 8: 1).

In the case of trade unions which had supported plaintiffs’ court costs, a large litigation burden was felt: ‘In the North West Division alone, the estimated expenditure by January 1971 had reached £41,000. By mid-1971, around a thousand cases had been submitted or were in the process of submission to the solicitors. The union agreed to pursue 134 of these cases in which certification was after 1 January 1960, in order to maximize the chances of success and build up favourable legal precedent. As the volume of claims grew to reach 4,000, the NUM changed tack and approached the government to lobby for a universal lump sum compensation scheme for pneumoconiotics in *lieu* of legal action’ (McIvor and Johnston, 2007: 226-227). As a result, a new level of CWP compensation occurred with the social contract in 1974.

The CWPS in 1974 has been recognized as ‘a product of the social contract in the mining industry. The social contract was conducted on an industrial level and the relevant actors within this were the trade unions concerned, especially the NUM, the government and the NCB. In other words, the contract was different from a social contract at national level between the government, TUC and the Confederation of British Industry. From the title of the scheme, it can also be inferred that the subject of the social contract was an occupational disease,

pneumoconiosis, and the political debate surrounding it can accordingly be characterized as compensation politics.

The official body overseeing this social contract and the compensation politics was the Steering Committee and Working Group on Industrial Relations Framework under a tripartite committee named the Coal Industrial Examination (CIE). Therefore, in this section, the political and economic background of the CIE will first of all be discussed and then the compensation politics around pneumoconiosis in the CIE will be described. The work of the Examination can be traced in official paper now released by the National Archives.

Coal Industry Examination and Social Contract in Mining Industry

Coal Industry Examination: Formation, Activity and Identification

Due to the ambiguity of the name CIE⁸⁶, the body more often tends to be called the Tripartite Examination. The purpose and characteristics of the body in both titles can be inferred as ‘the tripartite body for examination and settlement of problems existing in the mining industry’.

Regarding the structure of organization, the CIE was designed to comprise two levels of the Steering Committee on a plenary basis and three agenda sub-committees named Working Groups. While the Steering Committee, as the most important unit within the CIE, was responsible for final discussions and compromises, the Working Groups covered specific subjects such as the coal industry in line with their own purpose of discussing each different topic. More specifically, the Working Group

⁸⁶ Gormley, who was a participant on behalf of miners as the president of NUM, told as follows: “It was called ‘The Coal Industry Examination’, a stuffy name and quite a strange one, sounding more like an entrance test for going down the pits” (Gormley, 1982: 146).

on Supply and Demand concentrated on subjects such as energy supply, coal demand, coal output, future programme etc. (DOE, 1974b, 6-13; 1974a, 7-18); the Working Group on Industrial Relations Framework tried to discuss pneumoconiosis, pensions, industrial democracy, productivity (DOE, 1974b: 17-18; 1974a: 17-18); and the Working Group on Research and Development researched two fields of coal production and utilization (DOE, 1974b: 15-16; 1974a: 19-23). Of these sub-committees under the CIE, in particular, the Working Group on Industrial Relations Framework (WGIRF)⁸⁷ is a main object of interest for this thesis. This is because, as can be supposed in the title of the body, the WGIRF had tried to directly handle the pneumoconiosis issue.

The Tripartite Examination was set up by the Labour government after it won the election in February 1974. In March, the new Secretary of State for Energy, Eric Varley, announced in Parliament that he intended to invite the NCB and the unions concerned to join with the government in a comprehensive examination of the coal industry (COAL 30/250). As a result the first meeting of the Steering Committee was held on 10 April and the body agreed that working groups should be set up to deal with particular subjects. At the second meeting of the Steering Committee (30 April 1974) the plan of the first meeting about establishment of sub-committees was confirmed and realized.

The CIE worked for about six months up to September 1974. In that period, the Steering Committee held five meetings, on the 10th and 30th of April, the 5th and 14th of June and 9th of September while the working groups organized several meetings each. As a result of various discussions, and the Interim Report and Final Report were produced. The

⁸⁷ The committee was called the Working Group on Industrial Relations or the Working Group on Industrial Relation Framework. This paper will use the latter as an official title and WGIRF as an abbreviation of the committee because papers which were published by this committee had been transcribed as IRF and minutes of this committee were named as WGIRF.

Interim Report was published in June 1974 and welcomed by all sides. It revealed that there was already a principal agreement between participants. On the other hand, the CIE continued its activities and came up with the Final Report which was published just three months after the Interim Report. “The Final Report records the progress of this work and deals in greater detail with some of the matters which could be handled in the Interim Report only in a rather cursory fashion” (DOE, 1974b, 7).

As can be deduced from its name, ‘Coal Industry Examination, the main purpose of the body was to examine the utility of coal as an energy source and the overall mining industry in light of “the first of the so-called ‘oil shocks’ in 1973-4, with the price of oil rising roughly eightfold between 1973 and 1979” (Bromley, 1992: 105):

Our terms of reference are: To consider and advise on the contribution which coal can best make to the country’s energy requirements and the steps needed to secure that contribution” (DOE, 1974b: 5; 1974a: 3).

Likewise, there is no doubt that it was a main objective of the committee “to join with the Department in a study of the contribution which coal could make to the country’s energy requirements” (FV 38/297, 1974). In other words, the main objective of the tripartite talks was to solve the energy issue rather than those related to employment, wages or the welfare of miners. Varley had repeatedly stressed this point in parliamentary debates:

“The tripartite examination will not be examining future wage levels within the mining industry (Hansard 872, 1974: 754); We should talk about the economic contribution that coal can make to overall energy resources rather than get down to detailed wage negotiations. That is not the role of this examination” (Hansard 872, 1974: 755).

It can be supposed that the main issue was the energy, as can be seen in the fact that the Minister for Energy chaired the CIE. This does not, of course, mean there was no discussion about wages. Other aspects of the

agenda examined issues at national level, as Varley informs us: “Opposition Members will have noted the work that is being undertaken by my right hon. Friend the Secretary of State for Employment and the consultations he is having with the TUC” (Hansard 872: 1974).

As can be understood in the title of ‘the Tripartite Examination’, without doubt, the CIE was recognized as a body of social dialogue in the industrial relations of the mining industry. This means that there were three representatives in the body from the government, the trade unions and employers.⁸⁸ In the case of the government, there were officials from government ministries such as the Treasury, the Department of Employment and the Department Of Energy. Eric Varley chaired the Tripartite Examination. He was also an MP sponsored by the NUM. He was born in a mining town and he, his brother and sister followed their father and grandfather into the mining profession (Eric Graham Varley, Interview AUD/58)). In this respect, he seemed to understand the NUM and mining problems and, accordingly, be a well suited man to supervise the social contract.

⁸⁸ The members of Steering Committee in CIE from the government, NCB and the Trade Unions were as follows(DOE, 1974b: 5):

government-three members

Mr. Joel Barnett, MP: Chief Secretary to the Treasury

Mr. Albert Booth, MP: Minister of State, Department of Employment

Mr. Alex Eadie, MP: Parliamentary Under-Secretary of State, Department of Energy

National Coal Board-three members

Mr. D. J. Ezra: Chairman

Mr. L. Siddall: Deputy Chairman

Mr. D. M. Clement: Finance member

National Union of Mineworkers-three members

Mr. J. Gormley: President

Mr. L. Daly: General Secretary

Mr. M. McGahey: Vice-President

National Association of Colliery Overmen Deputies and Shotfires-two members

Mr. L. Wormald: President

Mr. A. E. Simpson: General Secretary

British Association of Colliery Management-two members

Mr. N. Schofield: President

Mr. G. E. Tyler: General Secretary

Meanwhile, there were three unions working on behalf of different strata of mineworkers: the NUM for rank and file workers, the National Association of Colliery Overmen, Deputies and Shotfirers (hereafter NACODS) who represented colliery deputies and under-officials and the British Association of Colliery Management (BACM) who represented colliery officials and staff. However, the NUM was preferred by the government because its numbers and influence were greater than the other unions and the majority of the sufferers from pneumoconiosis were also members of the NUM.

An organization representing the interests of employers was the NCB. However, it should be noted that the NCB was owned by the government as a statutory corporation after nationalisation in 1947. Therefore, it is natural to recognize that the final decision was made by the government rather than the NCB independently. To sum up, the government and the NUM were the main actors sitting down at the negotiating table.

As has been discussed above, the CIE can mainly be characterized as an organization standing for dialogue which assists the smooth operation of the social contract. Meanwhile, the social contract, that is a compromise or policy-making, seems to be reached not by majority rule but by mutual consent. As can be recognized in the composition of the members in the Steering Committee (refer to footnote 4), there was an imbalance in the ratio of committee members among the government, the NCB and the unions (government: NCB: Unions = 3: 3: 7). What this means is basically that the CIE was a joint consulting body rather than a decision-making body but if there was any decision, it should have been made unanimously.

From the structure of the body, what is noted is that the CIE was a kind of pan-government task force. This can be proved in the light of the participation of major departments of the government and the chairmen of

bodies under the CIE: the Steering Committee under Varley's chairmanship and Working Groups under the chairmen from the government: Research and Development (Alex Eadie, Secretary of State, Department Of Energy); Industrial Relations Framework (Albert Booth, Minister of State for Employment); and Supply and Demand (B. G. Tucker, Deputy Secretary of State for Energy). Furthermore, the government led compromises at the head and regulated different interests in the background by taking charge of administration, acting for the NCB and conducting direct negotiation. Varley states:

"[My task was] Setting up the tripartite organization, everybody was willing to do it. I remember having separate meetings with NUM, NACODS, BACM, NCB, themselves, bringing them all together in a massive conference room in the Department of Energy and deciding how we were going to restore confidence in this industry" (Eric Graham Varley, Interview AUD/58).

Meanwhile, it would seem strange if just the unions and the NCB intended to reach an agreement in establishing a scheme for pneumoconiosis. Alex Eadie, the Under-Secretary of State for Energy, said:

"The Pneumoconiosis Compensation Scheme is a coal industry scheme which has been negotiated between the mining unions and the NCB. It is not for the Government to amend it. As I and my right hon. Friend emphasized in the debate on the Second Reading of the Coal Industry Bill last week, what the Government are doing is to provide a grant of up to £100 million towards the costs of the scheme" (Hansard 887, 1975: 6-7).

Despite several statements made during the parliamentary debate, it is difficult to accept the views of ministers such as Eadie and Varley. This is because the government was always operating from behind the NCB. For instance, "the government has authorized the board to enter into talks with the unions" (Hansard 875, 1974: 233). Furthermore, the grant from

the government, £100 million, was ‘a most generous donation towards the scheme’ which enabled the unions and the NCB to make an agreement (Hansard 887, 1975: 7). In particular, most of the discussion had happened not outside but inside the CIE.

Although seemingly the CWPS was a creation of the unions and the NCB without the government’s influence, it was in fact an agreement between both partners under pressure from the government, and it is more accurate to say that the scheme was a compromise between the government and the unions. Nevertheless, why had the government asserted that “the pneumoconiosis compensation scheme was not a statutory scheme but was agreed between the NCB and the mining unions” (Hansard 894, 1975: 999)? This could be explained in the context of expenses and equality. If the CWPS became a statutory scheme it might raise the question of equality with other industry sectors and put the government to huge expense, so it seems that the government stressed the position of CWPS.

Social Contract in Mining Industry

It is generally acknowledged that the reports of the CIE were a symbol of the social contract in the mining industry while ‘the Economic Policy and the Cost of Living’ in 1973 and ‘the Labour Manifesto for the October 1974 Election’⁸⁹ were social agreements at national level. This part tries to answer the following questions: What is then the reason that the work of CIE can be understood as a social contract in the mining industry? Why was the social contract, especially in the mining industry, ‘actively’ and ‘quickly’ concluded?

⁸⁹ The manifesto declared that “at the heart of this manifesto and our programme to save the nation lies the Social Contract between the Labour party and the trade unions” (Dorey, 1995: 130).

To answer the first question, the social contract operating on a national level must first of all be examined. Political power turned from the Conservative Party to Labour in the general election of February 1974. The former ruling party, the Conservatives, did not intend to make any compromises with the trade unions.⁹⁰ Rather, the government stood firm in its opposition to trade unions and this attitude led to the Conservatives declaring a war on the unions as is evidenced by its election slogan, ‘Who governs?’⁹¹ On the contrary, Labour had worked with the unions before the 1974 general election and had created a social contract before taking political power. “The basis for this Social Contract was set out in the TUC/Labour Party Liaison Committee Report on ‘Economic Policy and the Cost of Living’ which was published in February 1973. This report promised action by a Labour Government on a wide range of issues including food subsidies, stricter control of prices and rents, improvements in pensions, the redistribution of income and wealth and the repeal of the Industrial Relations Act” (COAL 96/19, Milles, IRF (CIE) 2): 1).⁹² Labour also applied this attitude to the mining industry: “The Labour Party appealed to the government of the Conservative to carry out a tripartite enquiry of Government, unions and

⁹⁰ In terms of CWPS, “the Conservative government also refused to countenance any such scheme unless the NUM accepted its wages policy. This delayed settlement somewhat, until the Conservatives lost the election in February 1974. The new Labour government was much more sympathetic, and a quite unique pneumoconiosis compensation scheme was thrashed out in 1974” (McIvor and Johnston, 2007: 226-227).

⁹¹ “The electorate’s answer was ambiguous. The Labour Party won 301 seats with 11,646,391 votes, whilst 11,872,180 votes yielded the Conservative Party 297 seats. In other words, Labour won four more seats than the Conservatives, yet polled almost million fewer votes” (Dorey, 1995: 126).

⁹² Actually, the appointment of the government was fulfilled soon after coming into power. “In full consultation with the TUC and others concerned the Government has now taken or announced measures on all these issues: subsidies on basic foods, stricter price controls, a freeze on all rents, pensions of £10 a week for a single person and £16 for a married couple with future increases linked to wage increases, redistribution of the tax burden and plans for a wealth tax, and the repeal of the IR Act”(COAL 96/19, Milles, IRF (CIE) 2): 1).

NCB, into the industry and the attitude repeat in the 1974 Election Manifesto” (Varley, ‘Forward’, in DOE, 1974b: 1).

Against this background, soon after Labour attained power, the social contract was tried at an industrial level as well as at a national level:

After the return of the Labour government to office, one of my first actions as Secretary of State was to hold meetings with the NCB, the NUM, NACODS and BACM and invite them to join in a full-scale Examination of the industry. All these bodies welcomed the proposal and readily agreed to take full part in such an Examination under my chairmanship (Varley Secretary, ‘Forward’, in DOE, 1974b: 1).

The CIE can be seen as the realization at an industrial level of the social contract at a national level. Therefore, the processes and results of the social contract at both levels impacted upon one another. The government submitted at the first meeting of the WGIRF a paper, ‘Industrial Relations Framework (CIE) 2: Industrial Relations Framework - The National Context’, which summarized the social contract at the national level between the government, the TUC and the CIB. The discussion within the CIE had proceeded with the paper in mind. The CIE came to be a version of the social contract at a national level except specifically for the mining industry. Regarding this, Booth, the chairman of the WGIRF, stated:

The government’s talks with the TUC and the Confederation of British Industry about a voluntary incomes policy would be going on in parallel with the Examination. It would be helpful to feed the experience of the coal industry into the general discussions so that there would be no serious conflict or overlapping (LAB 112/73/1, Coal Division of DOE: 8).

As discussed above, the CIE actually started this discussion of the national social contract: “The Examination had necessarily to take into account the talks which were currently taking place between the government, the TUC and Confederation of British Industry and others on

a wide range of subjects including a number relevant to the social contract between the government and the TUC” (CIE, 1974b, 13). The NUM also started discussions about the accepting the TUC’s outlook. More specifically, “while the NUM accepted the TUC’s views that real incomes should be protected against rises in the cost of living and that regard should be paid to remit costs they wished to place on record their concern to advance their position, not merely to protect it. They also wish to place on record the unions’ aim to return to a 1 November operative date” (LAB 112/73/1 NUM: 2).

Likewise, the social contract with the mining industry was conducted in accordance with the social contract at a national level. Then, what was the reason for the social contract to be developed across the whole of the mining industry? There were three dimensions to the answer: economic, political and industrial relations-based.

The oil crisis of 1973-4 led to a rethink of the role of coal in the national economy. In that period, “the recent sharp increase in oil prices has significantly changed the situation. On a basis of commercial pricing the coal industry has now the capability for the first time for many years to bear its full current production costs and still compete overall with oil” (DOE, 1974b, 6). The reassessment of coal during the energy crisis led to seeking a social contract:

Despite the uncertainties of the future the Examination is trying to reach some clear views about the appropriate role for the United Kingdom coal industry in the country’s energy economy, assess the means by which coal can hold its competitive position in the longer term, and establish how the industry’s development can best be planned so as to contribute to the greatest and most equitable extent to the needs and welfare of consumers, coal miners and the coal industry, and the nation as a whole (DOE, 1974b: 6).

The 1974 general election was also a reason why a social contract with the NUM was considered.⁹³ Labour recognized the contribution of trade unions to the election victory and the necessity of their support in the coming election in October in order to overcome “a minority administration which was 34 seats short of an overall majority in the House of Commons” (Dorey, 1995: 127). For this, it was necessary to gain support from the NUM which was one of the biggest unions and certainly the most militant. Taylor (2005) identified the NUM as “the trade union that ‘could bring down governments’” (111) and asserts that “the government’s objective was to keep the materially and symbolically important NUM supporting its pay policy and the mineworkers digging coal ... in order to be successful in Labour’s Social Contract” (112).

More evidence that the social contract was made because electoral considerations lies with the timing of publication of the Final Report. One of objectives of the social contract was to offer full support to miners in the coming election. Therefore, it is natural that the government took into consideration whether the publication of the Report was more favourable to the government in the election when the Final Report was completed in September:

We have now completed the work of the CIE and a draft Final Report, of which I attach a copy, has been circulated to the other members of the Examination and to interested Departments, with a ready for publication on September 26th. ... We must now decide on the timing of publication in relation to the Election. ... If this looks favourable, we should then publish in the week beginning September 30; if it looks unfavourable, I believe we should delay publication until after the Election and I am sure I could get Joe Gormley and Derek Ezra to agree (LAB 112/73/2, Secretary of State for Energy:1, 1, 4).

⁹³ “Labour Party tried to trade off between an improved ‘social wage’ and the concomitant exercise of voluntary pay restraint by the unions and this became to be the very basis of the Social Contract. This was supposed to prove to the electorate that only a Labour government could work constructively and co-operatively with the trade unions” (Dorey, 1995: 127).

On the other hand, industrial relations in the mining industry at that time should also be considered when trying to understand the introduction of CIE. That is to say, miners had been striking over Conservative policies in the early 1970s and the Labour Party had promised trade unions “as part of the settlement of the strike – a wide-ranging and long-term review of the Coal Industry.” In reply to this, Gormley, president of NUM held that: “It [fulfilment of the promise] was decidedly overdue, and something for which we had pressed for years” (Gormley, 1982: 146).

As has been examined, the new Labour government could not help rushing to install a social contract with the unions because of reasons of political expediency, economics and industrial relations. In particular, the oil crisis and the coming general election make were factors contributing to the government ‘actively and ‘quickly’ trying to make an agreement with the unions.

Pneumoconiosis Issue: Advent, Position and Points at issue

As previously discussed, because the CIE was basically an organization set up to cope with the energy crisis, pneumoconiosis never became a main issue of discussion. Pneumoconiosis was just one of many agenda items even at the relevant sub-committee.⁹⁴ However, unlike the outward appearance, the issue was relatively very important to the Tripartite Examination as well as to the WGIRF. The chairman of the body, Varley, bore testimony as follows:

⁹⁴ In addition to the pneumoconiosis issue, the point at issue in the NUM was whether a national incentive scheme would be introduced. Accordingly, Gormley expressed it as the “battle over a national incentive scheme” and most of his autobiography gave a lot of space to processes around the scheme (Gomley, 1983: 148-182).

“There were two tasks [in the CIE]. First of all, [it is] getting the investment going again in this industry. Fortunately, the Coal Board had done and worked for them themselves. Derek Ezra and the staff of the Coal Board had brought forward their plan for coal. ... There are the other things which give me the most pride that was establishment of the pneumoconiosis compensation scheme. I told during the tripartite examinations’ discussions there were 34,000 ex-serving miners who suffering from the pneumoconiosis, [and] they had no chance of getting compensation through the court” (Eric Graham Varley, Interview AUD/58).

As mentioned above, participants had actually put pneumoconiosis at the centre of discussion in the CIE. Why was pneumoconiosis such a hot issue? The interest in and efforts made by trade unions on the issue is the main reason. Trade unions had fought for compensation for occupational diseases as well as for occupational safety. In this context, pneumoconiosis compensation had been demanded by trade unions for a long time. In particular, the NUM tended to concentrate on the prevention of and compensation for occupational diseases due to causes such as dust-related working conditions, and underground work.⁹⁵: “The NUM is still a proud union and has successfully recovered billions of pounds in damages for the injuries and ill health suffered by mineworkers over the years. As well as for injuries sustained at work, compensation has been recovered for industrial diseases such Bronchitis and emphysema, Industrial Deafness and Vibration White Finger. The NUM organisation in mining communities throughout the country has continued to provide a first class service long after the local coalmines have gone” (NUM, 2007).

A more powerful reason is that the institution had placed a big burden on the actors concerned. The government and the NCB had also

⁹⁵ It is also true that there are controversies in the role of NUM in activities of occupational safety and health. Some scholars maintained that “the reluctance of miners’ trade unions to take industrial action over dangerous and unhealthy working conditions is reflected in the almost invisibility of the topic in labour history and trade union history texts” (McIver and Johnston, 2007, 24). On the contrary, some scholars and trade unions assert that unions have been associated with the affairs.

felt the same problem with the trade unions and sufferers. The concerns of the government are discussed by Varley:

“On the question of pneumoconiosis, our top priority will be given to existing sufferers. This is right. If we were to do nothing, we should have the spectacle of the NUM and the other mining unions trying to fight claims through the courts. The union has plans to take four cases to the courts later this year. They could probably get about 3,000 cases through the courts in the next few years, but many of the 39,000 would receive no benefit at all, and top priority must be given to them” (Hansard 875, 1974: 230).

“Fortunately the incidence of new cases of pneumoconiosis has greatly diminished over the years, but there is a tragic legacy from the past of some 39,000 registered sufferers from the disease. A small number of cases are being pursued at common law against the National Coal Board” (DOE, 1974b: 13).

The ‘small number of cases’ above refers to the four test cases from the Durham area heard on the 7th October 1974. Common law damages for pneumoconiosis were being sought. However, there are still 39,000 sufferers and the NCB might accordingly anticipate that the litigations will continue ceaselessly, as intimated in this the statement from the NUM: “We estimate that another 3000 cases are at present in various stages of the legal process eagerly awaiting the result of the test cases; it is also worth nothing that since the Pickles settlement in January 1970 we estimate that some 1500 have died from the disease and a further 2900 new cases have been diagnosed as having the disease” (COAL 96/19, NUM, IRF (CIE) 8: 1).

As can be seen above, the current and coming litigation had been and would be a big burden to all the parties.⁹⁶ In other words, the introduction of the CWPS can be explained as a convergence of the interests and relations between participants. This can be elucidated in

⁹⁶ The lawsuits also weighed down individual mineworkers and trade unions. According to all the actors concerned “the new deal on pneumoconiosis was aimed at cutting through expensive and time-consuming legal procedures and producing a speedy and fair answer to the problem of compensation for ‘dust’” (*Coal New*, August, 1974).

accordance with the huge social expenses and the long-term period for litigation to all the actors. In addition, the biggest problem was in the wrong use of finance as the assertion of NUM would have it: “NCB could well be faced with spending large amounts of public funds on litigation, a large proportion of which would only benefit the legal profession, rather than our members [mineworkers]” (COAL 96/19, NUM, IRF (CIE) 8: 1).

Another reason for pneumoconiosis to have become such an issue can be traced to the formation of a social consensus on pneumoconiosis which can itself be examined from political and social perspectives. Regarding the political consensus, the enthusiasm of the government for settling pneumoconiosis is indicated by a statement of the present Prime Minister in 1974, Harold Wilson:

“Pneumoconiosis has plagued the industry for a century but was scheduled only during the war. My hon. friend will be aware that my right hon. friend the Secretary of State for Energy has informed the mining industry that we are prepared now to reach a once-for-all solution of the problem, not only of those who may in future-a diminishing number we hope-be discharged from the industry with pneumoconiosis, but all past sufferers” (Hansard 877, 1974: 1289).

The firm will of the government can be inferred from the career of the competent minister of the CIE, Eric Varley, who had been both a miner and an NUM branch secretary.⁹⁷ Actually, the following testimony of Varley indicated that his position and consciousness might influence the introduction of CWPS in 1974:

⁹⁷ Accordingly, he seems to understand a kernel of the problems about miners with pneumoconiosis: “My most vivid childhood memory is of the slag heaps which dominated every exit from the pit village of Poolsbrook, where I was born. There rings in my ears today the sound of the rasping pneumoconiotic cough which has been my father’s keepsake for 50 years’ work in the coal mining industry... I could not hide a special emotion I felt at being given the responsibility for the industry which had fostered me” (Varley, ‘Foreword’, in DOE, 1974b: 1)

“They [pneumoconiosis patients] were registered of course under the normal National Insurance compensation but with no chance of getting the Common law compensation. I decided that the Scheme had to be devised for that. ... I remember ... Denis, Chancellor of the Exchequer, my cabinet colleague eventually say yes, 100 million pounds to set out the pneumoconiosis compensation scheme. And I would better declare the interests, because my father suffered from pneumoconiosis, he got 30% assessment of the pneumoconiosis. He was one of the beneficiaries under the scheme. He was only one out of 34,000” (Eric Graham Varley, Interview AUD/58).

In addition to the commitment of the government, Members of Parliament including those in opposition shared a common view on pneumoconiosis: “During our examination we have been constantly aware of the human costs of coal, and the legacy of chronic ill health. Outstanding among these is the problem of pneumoconiosis. All members of the House will recognize the shadow that this has cast over the industry. We have accepted that it would be tragic for the Coal Board and the unions to fight out in the courts claims for compensation in respect of 39,000 sufferers from this disease”(Hansard 875, 1974: 227).

In terms of the social context, there was a favourable atmosphere to a solution to the pneumoconiosis problem. The high rate of industrial injury, especially involving pneumoconiosis, was an issue in the first half of 1974.⁹⁸ “The late 1960s and early 1970s saw dust-induced respiratory disease hit the headlines with the spread of asbestos-related illness and the mesothelioma panic. There were also TV documentaries which exposed the culpability of the NCB for pneumoconiosis, including the Thames Television production *This Week* screened in July 1973” (McIvor and Johnston, 2007: 228-229). The testimony of Thomas Coulter who

⁹⁸ “Bryan, who was a former Chief Inspector of Mines, explained that the introduction of the CWPS 1974 stemmed from the recommendation of Robens Committee which was created on 29th May 1970 for a general inquiry into the safety and health of persons at work and was a basis of the Health and Safety at Work, etc., Act, 1974: “Of special interest in relation to recommendation above was a decision reached in 1974 in respect of the scale of compensation payments to be made to miners certified as pneumoconiotics” (Bryan, 1975: 128). From the explanation, it is guessed that the industrial injuries problem had been issued at least from 1970s.

worked for Branch Delegate in NUM from 1959 to 1978 helps us to understand the situation at that time:

“There were a number of reasons why this [introduction of CWPS] happened. At that time the NUM had many cases of pneumoconiosis waiting to go into Courts of Law with a certainty of winning. Apart from paying out compensation legal costs would have been very high indeed. These cases would be headline news with very bad publicity for the Government. This was the main reason why the Government agreed to fund such a scheme” (Thomas Coulter, Interview).

To sum up, pneumoconiosis becoming an issue and the introduction of CWPS can be explained in the context of the standing demand of trade unions and interest relations among the relevant actors as well as the formation of a social consensus in the political and social spheres.

Politics of Compensation for Introduction of CWPS 1974

Formation of WGIRF

The CIE was separated into two levels of a Steering Committee as a plenary committee and three Working Groups. The establishment of the Working Groups was decided at the second meeting of the Steering Committee held on 30 April and the WGIRF, which was chaired by the Minister of State for Employment, became one of Working Groups. The proposed terms of reference indicated the purpose of the WGIRF as follows:

To discuss matters which come within the general framework of industrial relations (but which are not normal and regular subjects for negotiations between the unions and the NCB) having regard to the discussions at national level between the Government, the TUC, the Confederation of British Industry and others; to report back, and where

appropriate make recommendations, to the Steering Committee (COAL 96/19, Milles).

The WGIRF did not tend to cover a national or general agenda as can be seen in ‘The Terms of Reference’. This is because “the talks for the national agenda are now proceeding between the government, the TUC, the Confederation of British Industry and others on a wide range of subjects including a number relevant to the social contract between the Government and the TUC, e.g. a new conciliation and arbitration service, pensions, securing an orderly growth of incomes on a voluntary basis, industrial democracy” (LAB 112/73/1, ‘Memorandum by the Department of Employment’). In this context, Booth, the chairman of the WGIRF, hoped to read and be fully aware of the paper titled ‘Industrial Relations Framework (CIE) 2: Framework for pay negotiation: the National Context’ and proposed to avoid giving any undertaking which would enable the parties to use the Working Group as a negotiating forum for pay, or which would commit the government to approving any understandings on pay and conditions which may have been reached by the parties in discussions outside the Working Group (FV 38/299, Ministry of State: 1). This had been agreed and finally four issues were identified for consideration: future pay negotiations, conciliation and arbitration procedures, safety and health hazards and occupational pensions (FV 38/299, Booth; LAB 112/73/1, Coal Division of DOE: 8).

Table 4- 1 Members of WGIRF

Belonging to	Name	Position
Government	A. Booth	Minister of State, Department of Employment
NCB	N. Siddall G. C. Shepherd J. G. C. Milligan	Deputy Chairman
NUM	L. Daly	General Secretary
NACODS	L. Wormald A. E. Simpson	President General Secretary
BACM	N. Schofield C. E. Tyler	President General Secretary
	L. Pliatzky	Treasury
	D. J. Richardson	Department of Employment
	J. R. Cross	Department of Energy
	R. Windsor	Department of Health and Social Security
	N. Milles	Department of Employment, Secretary of WGIRF

Source: COAL 96/19, Milles, IRF (CIE) 1.

There is no doubt that the members of the WGIRF were from three organizations: the government, the unions and the NCB⁹⁹ (refer to Table 4-1). In light of participants in the body, the government, particularly the Department of Employment, took the initiative of the WGIRF. This was because the Minister of State, Department of Employment presided over the meeting and the official of Department of Energy, N. Milles, took charge of administrative duties even though other relevant government departments such as the Treasury, the Department of Employment and the Department of Health and Social Security also attended the WGIRF. Meanwhile, it is odd that just the General Secretary of the NUM attended, and no one else from that union. However, this is explained by the fact

⁹⁹ When the members on behalf of their own organizations could not attend, others by proxy participated in meetings. For example, "In principle Mr Daly will represent the NUM on the Industrial Relations Working Group, Mr Gormley on the Supply and Demand Group and Mr McGahey on the Research and Development Group. But in practice the NUM will have to send whoever is available. ... They have also nominated various substitutes for each of the Working Groups but this information is very tentative and in practice the Secretary of each Working Group will have to ask specifically who will be coming to each meeting" (LAB 112/73/1, Bellamy).

that the WGIRF was not a body for policy decision-making. This would be more the responsibility of the Steering Committee.

Discussion at WGIRF and Steering Committee

What came out of the discussions about the pneumoconiosis-related scheme were two reports: the Interim Report and the Final Report plus two phases in the introduction of CWPS 1974; the first covered the period from the establishment of the CIE in April to the publication of the Interim Report in July 1974, and the second from the Interim Report to the completion of the Final Report. Meanwhile, all the discussion on pneumoconiosis had been conducted in the Steering Committee and the WGIRF. While the Steering Committee submitted items which were discussed in the WGIRF and made decisions, the WGIRF discussed a more specific agenda and reported the results to the Steering Committee. In this section of the thesis, the discussions by the Steering Committee about pneumoconiosis will be described chronologically, focusing on the points at issue.

Over time occurred the first and second meetings of the Steering Committee (10 April; 30 April), the first and second meetings of the WGIRF (14 May; 22 May), and then the third, fourth and fifth meeting of the Steering Committee (10 June; 14 June; 9 September). The Interim Report was issued soon after the third meeting of the Steering Committee (18 June) and the Final Report was published after all the discussion.

The first meeting of the Steering Committee primarily discussed setting up the CIE. Therefore, there was little or no discussion about pneumoconiosis. The second meeting decided on the formation of three sub-committees and Booth was responsible for the WGIRF as chairman. In this meeting finally the president of the NUM, Gormley, mentioned the

necessity of the introduction of a scheme for ex-miners with pneumoconiosis:

Mr Gormley referred to the problem of the claims for compensation in respect of pneumoconiosis. Processing such claims through the Courts (e.g. the Pickles case) was time-consuming and expensive for the NUM and the NCB and it would take a great load off the industry if the government could find some way of meeting the outstanding claims perhaps by making a lump sum available. This could create a new image and greatly improve future relations (LAB 112/73/1, Coal Division of DOE: 8).

A lively discussion on the disease was carried out in the first meeting of WGIRF and in the second. Formal documents on¹⁰⁰ were submitted: ‘Industrial Relations Framework (CIE) 7: Compensation for pneumoconiosis: Memoranda by the NCB’ and ‘Industrial Relations Framework (CIE) 8: Compensation for pneumoconiosis: Memoranda by the NUM’.

There was also discussion about various other subjects (refer to Industrial Relations Framework (CIE) 1, 2, 4, 5, 6) but pneumoconiosis was not a main issue at the meeting. Nevertheless, the internal consensus for the introduction of a pneumoconiosis-related scheme was created. The general secretary of the NUM, Daly, argued that “the present position was that 4 test cases would get to the Courts in October. At this rate it would take many years to process all the cases since there was no guarantee that

¹⁰⁰ The papers submitted in the first meeting were as follows:

Industrial Relations Framework (CIE) 1 Composition and Terms of Reference

Industrial Relations Framework (CIE) 2 Framework for pay negotiations: the National Context

Industrial Relations Framework (CIE) 4 Safety and Health in the Coal Industry

Industrial Relations Framework (CIE) 5 Occupational Pensions

Industrial Relations Framework (CIE) 6 Conciliation and Arbitration Procedures

On May 22 further consideration was given to a number of matters which arose at the first meeting and the following papers were considered:

Industrial Relations Framework (CIE) 7 Compensation for pneumoconiosis: Memoranda by the NCB

Industrial Relations Framework (CIE) 8 Compensation for pneumoconiosis: Memoranda by the NUM (LAB 112/73/1, NUM).

the results of the test cases could be applied to the others without further litigation. He hoped to alleviate the mental as well as the physical suffering and if they could have something to report it would help those who feared they might contract the disease. He asked the Government to consider the possibility of setting aside a sum of money which would provide a lump sum payment to pneumoconiotics (either the same for all or related to degree of disability) and an improvement in weekly benefits. If there was legislation on this in time it would enable the union to withdraw the 4 cases going to the Courts” (COAL 31/167, Milles(a): 2-3; FV 38/299, Ministry of State: 2).

Given that Siddall, Deputy Chairman of the NCB, agreed to the assertion, it is understood that there was a consensus between the NCB and the NUM. He stated that “there were some 40,000 cases in total. On the present basis it would cost more in litigation than compensation and could take up to 10 years. This was not acceptable to the Board any more than it was to the unions. He supported Daly’s plea for the Government to provide a lump sum to clear the 40,000 cases and to provide an equitable scheme for the future” (COAL 31/167, Milles(b): 3).

The chairman of the WGIRF, Booth, asked the NUM and the NCB to submit their own views about the pneumoconiosis-related scheme in the first meeting (COAL 96/19, Milligan: 2) and the NCB started to draft its own proposal which was, it seems, finally made by May 1974, according to a letter which Clement and Siddall on behalf of the NCB, sent to the government: “In my letter to you of 9th May, I set out the outline of a possible scheme for compensating coal industry pneumoconiotics or their dependants. Since that document was sent, there have been some amendments and I attach our latest draft” (COAL 31/167, Clement). There was discussion between the NCB and the Treasury of the on 15 May centred on the proposal of the NCB, and several important

common agreements were reached. First of all, the government decided to support finance for the scheme related to pneumoconiosis:

The Treasury accept that, one way or another, Government will find the money to compensate from pneumoconiosis” and “made it clear so far as they were concerned money could be made available (COAL 31/167, Milligan).

This means that a controversial problem, the financial support of the government, had been solved. However, the Treasury stated very clearly that the government had no intention of actually managing the scheme. They stressed that the scheme should not be run by the government but by the NCB because of the question of equity to different industries (COAL 31/167, Milligan). This showed the intention of the government that the proposed scheme should basically be established by a compromise between the NCB and the Unions:

The Treasury said that in the government’s view the scheme should be one to be negotiated between the Board and the unions, administered by the Board and the cost met in the first place by the Board but reimbursed by government, e.g. making use of the regional grant. ... [also] The Treasury suggested payments under the scheme should be treated as a compromise settlement of the claim for damages (COAL 31/167, Milligan).

In addition, the Treasury wanted to make sure of the responsibility of the unions with respect to rewards for the scheme. He suggested that the “unions should be asked in return for the scheme’s benefits being made available to their members, not to support claims for damages in pneumoconiosis cases” (COAL 31/167, Milligan). This represented a clear bargaining chip in the compensation politics. In addition, the Treasury seemed to debate finance with NCB for a long time.¹⁰¹

¹⁰¹ For instance, after a lengthy discussion, the Treasury suggested that the cost of past cases (the lump sum totalling £150m) should be capitalised by a further loan counter-

On the other hand, the position of the NUM was represented in the paper, 'Industrial Relations Framework (CIE) 8: Compensation for Pneumoconiosis', which was submitted at the second meeting of the WGIRF. It consisted of 11 pages but only the first page was new – all the others had first been issued by the NUM in 1969 with the title "Industrial Injuries Advisory Council: Pneumoconiosis Review-Evidence of the NUM to the Industrial Diseases Sub-Committee of the Council". What the paper means is that the NUM had kept its fixed view on pneumoconiosis at least since 1969.

As can be seen above, by the second meeting of the WGIRF, the actors concerned seemed to have prepared their own views. The second meeting of the WGIRF on pneumoconiosis was held.¹⁰² The discussion covered ways of compensation, the attitude of trade unions to litigation, and the financial support of the government. The debate was conducted based on papers from the NCB and the NUM, but the proposal of the NCB, Industrial Relations Framework (CIE) 7, was simply related to a general summary of pneumoconiosis rather than its position,¹⁰³ while the NUM paper, Industrial Relations Framework (CIE) 8, contained some firm arguments. Therefore the discussion became centred on the suggestions of the NUM.

First of all, the NUM paper insisted on the introduction of a Pneumoconiosis Compensation Scheme with improvements in existing

balanced by an equivalent capital write-off. (Will this mean higher interest payments on the now loan than we have been paying on the capital to be written off?) The Treasury also asked that, in negotiation with the unions, the Board make every effort to spread the lump sum payments over 3 years (I asked for 2 years) (COAL 31/167, Milles and Grant, 1974: 2-3).

¹⁰² There were four Agenda(COAL 31/167, Department of Employer):

1. Matters arising from the minutes of the previous meeting.
2. Compensation for pneumoconiosis: Memoranda by the NCB (Industrial Relations Framework (CIE) 7) and by the NUM (Industrial Relations Framework (CIE) 8).
3. A conciliation and arbitration service: consultative document
4. Handling of future business

¹⁰³ Therefore, the paper of NUM was assessed that "The NCB "Memorandum on Pneumoconiosis" was factual"(COAL 31/ 167, Milles and Grant: 2),

Disablement Benefits and Special Hardship Allowance, with the financial support of the government. In addition, it tried to lay down some detailed demands.¹⁰⁴ Daly made several suggestions at the second meeting of the WGIRF: “compensation should take the form of a lump sum payment supported by an improvement in weekly benefits to protect earnings. If the principle of a lump sum payment could be agreed, it could then be discussed whether it should be a flat rate or based on percentage of disability and what regard should be paid to age, cost of living and other criteria” (COAL 31/ 167, Milles and Grant: 2-3). In return for the scheme, Daly also said that the trade unions intended to withdraw the current litigation as well as to prohibit litigation in the future:

Whilst individuals would retain the option to take their cases to court it would be the union’s objective to persuade members to accept the lump sum if the level of compensation was reasonable, by withholding financial assistance. If the Government could give a firm declaration of intention about a satisfactory level of compensation he thought the NUM Conference would withdraw the four test cases before the courts. Mr Simpson said that this would also apply to cases supported by NACODS (COAL 31/ 167, Milles and Grant: 2-3).

In response to the suggestion of the NUM about the expense, “Booth emphasized that the government would need to look at the financial problem in a wider context to avoid repercussions and said that he would discuss the financial background with his colleagues in the light of the alternatives which had been put forward. Furthermore, Booth urged that

¹⁰⁴ From a current date an occupational scheme financed by the government should provide for: (a) A lump sum according to age and percentage assessment with additional amounts payable on progression of the disease and should also include Category 1 cases. (b) In the absence of improvements in Special Hardship Allowance, provision should be made for: 1) A supplementary payment to protect against loss of earnings. At the present time the difference between the face rate and underground minimum is £9 and up to £13 in the case of Face and Surface. A man with a 10% assessment therefore at present could lose up to £2.60 if he transferred to elsewhere underground. This is brought about due to S.H.A. being limited to £5.12 per week plus 10% disablement of £1.28 per week. (2) All men with 10% assessments who are advised to work in dust approved conditions who voluntarily give up work at the coal face should also qualify for protection against loss of earnings (COAL 96/19, NUM, IRF (CIE) 8: 1).

the NCB and the unions should give further consideration to the type of joint schemes they wanted to see” (COAL 31/167, Milles and Grant).

The two meetings of the WGIRF resulted in an agreement, at least in principle, about the content and direction of the scheme, as Booth reported:

There has been a general desire that the Working Group should come forward with positive proposal so that this problem could be dealt with without the necessity for litigation. While it has been agreed that the industry should introduce its own scheme we have to look close at the financial implications (LAB 112/73/2, “CIE: Oral report by the chairman of the Working Group of IRF”).

During the month following the second meeting of the WGIRF (22 May) up to the publication of the Interim Report (18 June), had unofficial and formal discussions between the government, the union and NCB had taken place.¹⁰⁵ First of all, the NCB tried to reach an agreement with the government through subsequent meetings with civil servants, and in particular there was the ‘Progress Meeting’ (28 May 1974) where both the government and the NCB seemed to reach consensus on many points. Above all, they agreed there should be an immediate decision and there were two good reasons for avoiding delay: first, the need to get something positive into the interim report and second, the fact that the pressure behind the common law claims was building up. As a strategy for action, the following plan of action was suggested:

1. The board proposed to go ahead with technical discussions in the next few days on the assumption that the government would, as they had indicated, meet the financial costs;

¹⁰⁵ The following statement showed there could be meetings: Mr Siddall said that the NUM had submitted a paper on similar lines to the Board’s own ideas [regarding pneumoconiosis]. Mr Daly had met Mr Varley privately before the meeting and so far as he knew this interview had gone well (COAL 30/251: 1-2).

- 2. The board would continue to press for financial help for future cases (or at least those whose period of incubation could be said to have occurred before the scheme);*
- 3. The Board begins technical discussions with the NUM as soon as possible;*
- 4. The Board considers the merits of making the lump sum for pain and suffering and variable sum related to age and the degree of disability involved (COAL 30/251: 1-2).*

Meanwhile, the NUM tried to cope with pneumoconiosis through the Social Insurance Sub-Committee, the body in charge of pneumoconiosis in the NUM. According to the Annual Report of the NUM, a meeting of the Social Insurance Sub-Committee had been held on the 6th June, 1974 and it seemed that a proposal was almost made at this meeting and decided through the National Executive Committee of the NUM held on 13th June (NUM, Minutes of Meeting of the NEC on Thursday 13th June, 1974: 1).

Depending on the results, it would be the union's objective to persuade members to accept the lump sum if the level of compensation was reasonable by withholding financial assistance. This indicates that the NUM accepted the demands of the government and the NCB. On the other hand, the government representatives at the Annual Conference had shown sympathetic interest towards the points made by the union's document and there were strong indications that the government were seriously considering financing a compensation scheme since the board and the unions had been asked to formulate the type of scheme they wanted to see applied to the industry. Therefore, it seems there was an agreement over financial support between the government and the NUM (NUM, "Minutes of Meeting of Social Insurance Sub-Committee held on Thursday 6th June", 1974: 19). In addition, the NUM had stated that it was necessary that the government give an early firm declaration of

intention about a satisfactory level of compensation¹⁰⁶ in order for the NUM Annual Conference to decide to withdraw the four test cases before the court hearings began.

The third meeting of the Steering Committee (10 June) ahead of the deadline for the Interim Report, and all the key decisions seemed to have been made at the meeting.¹⁰⁷ Regarding the pneumoconiosis scheme, Booth urged the CIE to concentrate initially on the pneumoconiosis scheme and Ezra, the chairman of the NCB, agreed with this wholeheartedly. Their suggestion did not meet with opposition from the other participants (LAB 112/73/2, Coal Division of DOE: 3).

Interim Report

The Interim Report,¹⁰⁸ was published on 18 June 1974. Regarding the CWPS, the Interim Report stated an intention to “bring immediate satisfaction and relief to this large number of unfortunate people and provide improved financial safeguards for those who contract the disease

¹⁰⁶ Regarding the criteria of compensation, the national officials of the NUM had submitted a document containing suggestions on improving the present arrangements, together with ideas on a compensation scheme based on age and degree of disability (NUM, “Minutes of Meeting of Social Insurance Sub-Committee held on Thursday 6th June”, 1974: 19).

¹⁰⁷ “The fourth meeting of CIE (1974 June 14) discussed the final draft of Interim Report and there were just amendments of words and phrases (FV 38/297, Coal Division of DOE).

¹⁰⁸ The principal conclusions of the Interim Report can be summarised as follows:

- a) Confidence in a good long-term future for the coal industry provided that it remains competitive.
- b) General support for the NCB’s 10-year Plan for Coal, involving an additional investment of some £600 million and designed to maintain annual deep-mined production at least at its present level of about 120 million tons and if possible to increase it.
- c) The need to increase productivity and the importance of an effective incentive scheme.
- d) Expansion of opencast coal production.
- e) Substantial Government support for compensation for pneumoconiosis sufferers.
- f) Support for a programme of research and development with particular emphasis on coal conversion processes (COAL 30/250).

in the future” (CIE, 1974b: 14) (refer to 3.4 in this paper regarding the content of compensation).

There are two characteristic aspects in the Interim Report. One is that the contribution of the government was obviously instituted in order to relieve the NCB’s finances:

The government recognises that the whole costs of such a scheme cannot now be borne by the industry on its own, particularly as they relate to existing cases which arose in a period when the industry was much larger than it is today. Accordingly, provided a satisfactory scheme of settlement is negotiated, the government, subject to Parliamentary approval, will take measures to contribute towards relieving the Board’s finances of this burden of the past in respect of existing sufferers. So far as concerns the future, the industry itself should make adequate provision (DOE, 1974b: 14).

The other is that the report clearly indicates the duties of the unions. That is to say, under the new scheme, the unions would not assist coal workers to take legal action:

Although existing rights would not be extinguished, acceptance of benefits would be in full settlement of claims at law. If a satisfactory scheme can be worked out the unions would encourage acceptance by their members and would not help finance actions pursued in the courts (DOE, 1974b: 14).

Although, as can be seen in the Interim Report, the main issues were solved, there were, however, still several points at issue because “any scheme of this sort will be complex. When the NCB have formulated their proposals they will be worked out in detail by the NCB and the unions. So far as existing cases are concerned we are agreed in principle that the best course would be to provide for payment of a sum in each case which would represent a fair settlement of the claim of the victim or his dependants, bearing in mind the possible sum which might be obtained in the courts but balancing against that the risk that the action might fail and the benefit enjoyed from the elimination of delay and of

the consequent anxiety. Moreover the claimant or his union would not face the risk of liability for legal costs. In order to work out a scheme that will achieve this result, the NCB and the unions will need to consider the amount of compensation in relation to the criteria the courts have normally taken into account, such as the percentage of disability and any loss of earnings because of the disease” (DOE, 1974b: 14).

As discussed above, the Interim Report represented an agreement between the government, the unions and the NCB. The government made an appointment for finance, the NCB gave its word for introducing and operating the scheme and the unions promised to drop suits and stop the litigation. Therefore, the report was widely welcomed, both in the industry and throughout the country. This is evident in the opening address by Varley to the fifth meeting of the Steering Committee. He “opened the meeting by saying how pleased he had been at the good reception given to the Interim Report in general and in particular at the NUM and NACODS Conference” (FV 38/297, Coal Division of DOE, “CIE Minutes 5”: 2). The report even garnered support from the Conservatives: “It would help to confirm the good impression that the interim Report made both in the industry and generally. The bulk of the Report is not likely to be politically controversial as the Conservative Party manifesto has endorsed the strategy approved in the Interim Report” (LAB 112/73/2, Secretary of State for Energy: 1-2).

It took only two months to draw up a substantial bill from the Interim Report. How could the compromises and decisions be made in such a short time?

Regarding the problem of coal as an energy source, there had been a national consensus over the energy crisis. For example, John Hannam, Conservative Member of Parliament, said: “We welcome this short statement on the interim report, which we shall study carefully. The Opposition accepts the need for continued investment in coal and our own

Coal Industry Act last year was proof of our support for the coal industry. We believe that every effort should be made to sustain coal output” (Hansard 875, 1974: 228). Likewise, the national consensus encouraged CIE to reach an agreement very quickly and publish its conclusions: “We all agreed that the country’s energy requirements demanded immediate action in the coal industry and we decided to publish the following Interim Report recording the consensus that had already been achieved” (Eric Varley, ‘Forward’, in DOE, 1974b: 2)

Regarding the problem of pneumoconiosis, there had been a good relationship between the NCB, the Unions and the government and there was no lack of sympathy about pneumoconiosis. Above all, it is noted that there had been a friendly atmosphere between the relationship of NUM and NCB and they sat together on “every kind of committee we can think of” (Gormley, 1982: 146):

We [NUM and NCB] sit together on the regular meeting of the Coal Industry National Consultative Council, on Welfare committees, on Pensions committees, on Health committees. ... We are always consulted when it comes to the appointment of a new Chairman of the Board, and in practice the post of Industrial Relations Director is virtually ours to nominate, and Cliff Shephard, who held that position during the period of the two strikes, was actually an ex-NUM man. On occasions, the Board have even lent us their private plane when we have needed to get somewhere in a hurry. So I would say that 90 percent of our dealings with the Board are conducted as by equal partners in trying to improve the Industry. But it's that other 10 percent, when we negotiate wage claims, which inevitably catches the public eye (Gormley, 1982: 146-7).

In particular, it is no exaggeration to state that the newly elected Labour government and the trade unions were ‘feeling’ significant progress had been made as suggested by an expression of Gormley’s; “it was totally amicable” (Gormley, 1982, 146). This is because Labour had sympathized with the necessity of mutual cooperation under the Heath administration in addition to a traditional partnership with the unions. This notion is further supported in the interview with Thomas Coulter:

“Two of the leading figures in the government’s team were Tony Benn, Energy Minister and Alex Eadie, an ex-miner who we named ‘Minister for Coal’, both of whom were sympathetic to the miners” (Thomas Coulter, Interview).

In particular, it is generally acknowledged that there had already been internal consensus between the Labour Party and the NUM based on the social contract between Labour and the TUC during the Heath years. When Labour came into power, both actors had worked together to create a social contract for the mining industry through discussion and compromise.

As discussed above, sympathy towards the energy crisis and the pneumoconiosis problem, plus the friendly relationship of the relevant actors had enabled an agreement to be reached very quickly and easily. However, there were a few points at issue and, so, compensation politics went on.

*Compromise and Final Report*¹⁰⁹

After the Interim Report in which the general principles and outlines of the scheme were drawn up, the participants tried officially or unofficially to make efforts for the completion of the scheme.

The NUM national officials and the Union’s Working Party on Pensions submitted ‘Heads of Terms of a possible Scheme for Compensating Coal Industry Pneumoconiotics and their dependents’ (‘Heads of Terms’, 20/6/74) (NUM, 1974: 15). ‘The Heads of Terms’

¹⁰⁹ The Labour Party should also make a social contract very quickly because of the coming election. The trade unions tried to help the Labour Party become the majority party because they agreed with the party in ideology and political purpose. Accordingly, the deadline of the report being short-term can be explained in this context: “Our aim is to complete the work as far as possible by the late summer or early autumn” (DOE, 1974b: 5).

contained agreements reached between the NCB and the NUM, clearly making a duty of the NUM clear:

2. The agreement would provide, inter-alia, that:

a) the Unions would not support, financially or otherwise any claims for damages at Common Law;

b) the Unions would withdraw all current claims for damages for pneumoconiosis;

c) the Unions would undertake not to submit a claim for a similar Scheme for Industrial accidents or other industrial diseases, based on acceptance of this Scheme.

3. The agreement or the Scheme would require any person accepting benefit under the Scheme to sign a statement that his acceptance of Scheme benefits would be in full discharge of his common law rights (NUM, 1974: 17-19).

Despite the strict obligations of the NUM put forward in it, the proposal was accepted and approved by the Social Insurance Sub-Committee of the NUM on 21st June (NUM, 2 July 74b: 1). In addition, the NUM reported “The National Officials had pressed the Minister to arrange for the necessary legislation to be processed through Parliament as speedily as possible” (NUM, 1974: 1).¹¹⁰

Meanwhile, “the NUM and NACODS have agreed to withdraw all current damages claims under the pneumoconiosis heading and have also agreed not to support any claims at Common Law for pneumoconiosis. These Unions have also agreed not to use the pneumoconiosis scheme as a springboard for any other scheme relating to industrial diseases and agreed also that any person accepting benefit under the scheme will be unable to make a claim for the disease at common law” (*Coal New*, August, 1974).

¹¹⁰ After June, there was just one record related to CWPS: it was reported that in keeping with the previous decision of the Committee (see NEC 11th July, 1974) the scheme had now been finalized and copies were before the Committee. It was agreed: “*That the National Officials would approach the appropriate authorities with a view to seeing if some of the legal costs which the Union had already incurred could be recouped.*” (NUM, “Minutes of Meeting of the NEC on Thursday 12th September”, 1974: 1).

As discussed, the participants almost reached an agreement over the specific points at issue after the Interim Report. Thus the fifth meeting of the Steering Meeting (9 September 1974) simply confirmed the previous compromise and tried to settle a few disagreements. Regarding pneumoconiosis, “Mr Siddall explained that discussions had been taking place with the NUM and other Unions. The scheme had been accepted basically but there were still a few points to be resolved” (FV 38/297, Coal Division of DOE: 4).¹¹¹ On the other hand, Varley wanted to confirm identification of the scheme and financial support of the government: “Mr Varley confirmed that specific legislation would not be required to implement the scheme. All that would be necessary would be for the NCB and the Unions to agree the details of the scheme and the Government would meet the cost. The scheme could then be incorporated into any subsequent coal legislation” (FV 38/297, Coal Division of DOE: 4).

The Final Report completed the Interim Report in two aspects. First of all, the Report presented the coverage and level of compensation for miners with pneumoconiosis and their dependants:

We are glad now to report that the Board and the Unions have been able to work out a satisfactory scheme which covers past and future cases and, also, widows or other dependants. Details of compensation payable to different categories of sufferers are set out in Appendix A (DOE, 1974a: 17).

Furthermore, the government made a £100 million promise for financial support. As a result, the report was accepted with satisfaction by all relevant parties and, in particular, the NUM warmly welcomed the agreement as is clear from the commentary of Gormley, president of

¹¹¹ Of these points in dispute, for example, “Mr Varley said he hoped to be able to give a decision on the position of miners who had commuted their claims under the Workmen’s Compensation Act fairly soon” (FV 38/ 297, Coal Division of DOE: 4).

NUM: “It was accepted by the Board, by ourselves and our colleagues in the other two unions, and by the government” (1982, 148); In particular, the NUM seemed to be so welcoming toward the scheme that Mr Gormley identified the final report as his:

“The final report of the CIE was published in the autumn of 1974, and it was such a vital document that I propose to repeat in full the nine points under its heading ‘General Conclusions’. That document, which I refer to as ‘my Bible’, could, and should, have fashioned thinking in the Industry from its publication up to the end of the century” (Gormley, 1982: 147; 148).

As previously mentioned, all the actors concerned agreed with the Final Report. In particular, the scheme was a great success in that the NUM, who represented the sufferers enthusiastically, welcomed the scheme. Therefore parliament unanimously passed it. In particular, the Conservatives also agreed with the scheme, although the party did not attend the CIE. The Conservatives were absent because of their concern for the oil crisis, their sympathies for pneumoconiosis sufferers, their recognition of public support for the scheme and unwillingness to antagonize the trade unions anymore before the coming election.

4. Summary and Implication

The IIA (1946) and the CWPS (1974) have been discussed in this chapter. Now, it is time to summarize this legislation and consider its implication in terms of welfare and compensation politics.

With regard to the IIA (1946), there were distinct proposals for its introduction but the Beveridge Report and the Conservative Bill were most important for its formation. This is because the report created

an historical momentum which helped convert the principles of social insurance into workmen's compensation. The bill was a political realisation of the report. What is interesting is that the Bill was similar to the Labour Bill and the IIA (1946), as the Minister of National Insurance states: "The Bill which would now come before the House would be substantially the same as the one introduced by the Coalition government" (PIN 21/68, BEC, 31 August 1945: 2). The similarity helps us to understand the wartime and post-war consensus between the political parties.

What does the enactment of IIA (1946) mean to the (ex-) workers with pneumoconiosis? In fact, at the time, pneumoconiosis was not high on the agenda and there was no specific discussion relating to the implications of pneumoconiosis. Nevertheless, the Act was closely related to ex-miners with pneumoconiosis in terms of changes of benefits for incapacity by industrial disease. In addition, there were other benefits within the Act. For example, "prior to IIA being introduced every person who had been certified as suffering from pneumoconiosis or silicosis in any degree was suspended from working in the industry. With the introduction of the IIA, suspension from work in the industry is no longer compulsory" (Evans, 1963: 6).

The IIA (1946) helped to shape the path of an institution because the law helped to make underlying principles of social insurance tangible. The importance of the implications of this cannot be understated. "The government also concur in the recommendations that provision for medical treatment and post-hospital rehabilitation of industrial disability cases should be dealt with as part of the national schemes for these purposes" (OMR, 1944: 13). Injured workers under the social insurance system were secured for life by these benefits under a comprehensive welfare system.

While the IIA (1946) was established as a form of National Insurance, the CWPS (1974) was the product of a compromise between workers and employers in the coal industry. The motivation for the establishment of the official body for the social contract and activities of compensation politics was the energy crisis in the early 1970s. Therefore, the main aim was to implement scheme not for compensation but for coal production. However, in this instance, the participants wanted to examine comprehensive problems which necessitated the establishment of the CIE.

The benefits under CWPS (1974) included a tax-free lump sum based on the percentage of disability, posthumous benefit and progression payments if levels of disability increase after an award. Thus, the social contract had brought many benefits to ex-miners with pneumoconiosis (NUM, 1974). For relieving the NCB's finances the government supported a total of £100 million (DOE, 1974 b: 17; NCB, Report and Accounts 1974/5: 7-8). By 31st March, 1980, 63,477 cases that had been outstanding at the inception of the scheme in 1974 had been settled. 2,614 cases had arisen between 1974 and 1980 (Allen, 1981: 291). Therefore, the CWPS not only provided financial benefits to patients but also represented an implicit recognition of the failures of NCB policy, especially the inability to protect the workforce against damage caused by dust inhalation, to improve dust control standards and bring an end to the fallacy of 'dust approved' workplaces (McIvor and Johnston, 2007: 229).

There is no doubt that the CWPS could be understood in line with the path-shaping of an institution because it established benefits for all the (ex-) miners without resorting to litigation by common law.

Welfare politics for the introduction of IIA and CWPS can be defined as 'labour politics for compensation' or the 'politics of compensation'. From this point of view, firstly, what is noteworthy is that trade unions played a main role in the enactment of the schemes. In the case of introduction of IIA, the cooperation between trade unions and the

government can fundamentally be explained by the alteration of the political and social position of the TUC after wartime. As has been suggested, the wartime strategy of the TUC, pursued under the pressure of corporatist tendencies, had resulted in the TUC becoming incorporated to a substantial extent into the state itself by the time of the end of the war (Colwill, 1986: 254).¹¹² In his forthright speech at the 1946 Congress, Citrine declared that during his term as TUC secretary, the trade unions had ‘passed from the era of propaganda to one of responsibility’. Certainly, responsibility was the keynote of the five years before and after his resignation. The leadership had become closely integrated with the government at every level (Pelling, 1987: 226).

On the other hand, it has been assessed that undoubtedly CWPS was a massive victory for the NUM on behalf of pneumoconiotic miners (McIvor and Johnston, 2007: 228). The NUM congratulated itself on the 1974 no-fault Pneumoconiosis Scheme, with the South Wales General Secretary Dai Francis commenting that this was ‘probably one of the greatest achievements that this union has ever attained’ (McIvor and Johnston, 2007: 229).

Secondly, the schemes showed that there was tripartite consultation and political intervention of trade unions on parliament and government. With regard to IIA, the relationship between trade unions and Labour can more closely be understood in a body named National Joint Advisory Council. “In June of this year, the Minister of Labour informed the General Council that the government proposed that a regular channel should be established through which it might make available to the responsible organisations on both sides confidential information concerning government policy and the national economic position. Accordingly, the Minister proposed to recall the National Joint Advisory

¹¹² As a result, during the war the unions gained, not only in prestige but also in membership. The total numbers rose from 6,053,000 in 1938 (including 4,669,000 affiliated to the TUC) to 7,803,000 in 1945 (6,671,000 affiliated) (Pelling, 1987: 223).

Council which was formed immediately prior to the outbreak of war and which in 1940 was more or less superseded by the Joint Consultative Committee to the Minister of Labour” (TUC, 1946: 180-181).

The trade unions met many times with politicians to argue their points about the legislative processes. This exercised their influence through Members of Parliament who had been supported by trade unions or were favourable to them. A typical example can be found in the statement of Mr John McDay (Wallsend). He said:

“I suggest that the benefits themselves are not satisfactory. Many other speakers have indicated that they are not sufficient, and I want to conclude what I have said to-day in a general way to try to understand if I can. Am I a bad judge? Do I misunderstand the people I represent? Do I misunderstand the Labour Conference? Certainly I have never spoken there but I have an obligation to speak here and I am carrying out that obligation according to my conscience. I believe that men of the Labour movement attending this House should break themselves away from the strings that tie them down at the moment and examine the poison freely as a Labour government in the House of Commons with a strong majority, a Labour movement that naturally and reasonably expects to do something much better than a Conservative majority and to do something much better than a Coalition” (Hansard 414, 1945: 339).

The most ideal example was the activities of the Miners’ Group of Members of Parliament who were generally more loyal to miners than to any political party. This was undoubtedly due to the strength of the links between the NUM and their sponsored Members of Parliament who remained dependent upon that union sponsorship for re-election (Colwill, 1986: 280). During the enactment, the relationship between trade unions for miners and the Miners’ Group was found in several aspects. For example, they both met under the title, “Meeting of Workmen’s Compensation Sub-Committee [NUM] and Miners’ Members of Parliament” on 26 September 1945, and the Miners’ Group visited the relevant Minister in order to explain the position of miners: “Mr. Smith explained that the visit arose from a desire to let the Minister know the

very strong feeling which existed among mine workers against certain features of the Industrial Injuries Bill” (PIN 21/68, 26 September 1945: 1). In addition, they tried to obtain supplementary benefits through the NUM. In the meeting of the Workmen’s Compensation Sub-Committee and Miners’ Members of Parliament on 26 September 1945: “We consider that the basic rate is inadequate and our objection to it is not disposed of by the fact that in certain circumstances that rate may be supplemented by payments under the general scheme” (NUM, 1945: 651).

In the case of the introduction of the CWPS, the WGIRF itself was a typical corporatist body. There were tripartite participants concerned, including the government, and the result was drawn by discussion and compromise among them. Seemingly, there were of course no policy-making processes in parliament and the government because CWPS was basically an agreement between labour and management within an industry sector. However, the government’s offer to part finance the agreement should have been accepted by parliament because coalfields were government-owned workplaces. The government and politicians were major factors in introducing CWPS.

Thirdly, the IIA and the CWPS had great public support at the time. The IIA was a product of the post-war consensus while the CWPS was drawn from sympathy for the occupational diseases of society and the major burdens of the actors concerned. Therefore, the debate around the schemes was not over whether they would be introduced but how their compensation would be secured.

Fourthly, the schemes can be understood in the context of the creation of a new track for compensation. While the IIA was incorporated into the National Insurance system, the CWPS provided all the (ex-) miners with compensation without litigation by common law. In this context, the schemes can be seen as having shaped the paths of institutions. However, there is no doubt that the schemes already existed

in partly in the traditions of institutions. While the IIA originated in the WCA, the CWPS was borne from the accumulated experience of disputes and struggles under common law.

CHAPTER 5. COMPENSATION POLITICS AROUND CWP IN KOREA

1. Development of Industrial Injury Compensation System

The history related to schemes for industrial injures compensation can be divided into three periods: before the Labour Standard Act in 1953, after the Labour Standard Act before the IACI in 1964, after the IACI.

The first period covers the Japanese rule over Korea (1910-1945), the three year rule of the American Military Administration (1945-1948) before the establishment of the Government by the Southern part of Korea (1948). During the Japanese colonial period, Korean workers were treated differently to Japanese workers regarding wages and working conditions. For example, a Korean worker earned just 1.45 won as of 1924, while the Japanese received 2.45 won and the Korean workers' labour movement's push for more wages and better working conditions was repressed. The dual attitude of Japanese workers in the two countries existed in industrial injury. Whereas in Japan they equipped institutions for labour-related schemes, there was no regulation for Korean workers, or even coal miners who were exposed to many hazards. In 1938, the Coal Mining Ordinance, which contained a clause that a coal company should assist a worker with injury, an industrial disease, death or an incurable disease, was reformed. This was only a mutual aid system for workers during the Japanese rule (MOL, 2004: 5-6).

During the three years after liberalisation, the American Military Administration tried to abolish bad laws introduced by Japanese imperialism and gradually introduced labour-related laws. First of all, the American Military Administration established the Labour Section under the Department of Trade and Industry (1945) and the Ministry of Labour (1946) and introduced schemes such as the Ordinance Number 97, titled 'Public Policy of Labour Problems and Establishment of Ministry of Labour ' in 1946. However, by and large, while the American Military Administration preferred resolution by collective bargaining, there was no more advanced legislation. In particular, there was very little advancement for injured workers in small companies.

After Lee Seung-Man, the first president in Korea, was elected in 1948, despite the introduction of the Constitutional Assembly and the Constitution¹¹³ there was very little development regarding the industrial injury system as well as labour-related laws before the introduction of the Labour Standard Act.

The noteworthy momentum in the development of an industrial injuries scheme was the introduction of the Labour Standard Act in 1953. The Labour Standard Act is very important in the history of industrial injury because compensation was regarded as legal duty (MOL, 2004: 12). However, there was a limitation in the fact that the compensation was based on the individual responsibility of employers. This meant that, if there was a lack of finance or will in a company, it may be difficult for an injured worker to be compensated (MOL, 1981: 4). In this context, no one can deny the fact that a worker in a small company or an unorganised organisation could not be compensated and a large disaster may result in the bankruptcy of a company (MOL, 1981: 24).

¹¹³ Then Constitution was very progressive to contain the protection of workers that lost working ability, labour's three major rights, profit sharing right (MOL, 1981: 10). The reality was regulated by not the law but the logic of power.

Finally, there was the creation of an industrial injuries scheme as a national insurance, the IACIA, in 1963 and its implementation in 1964. The IACI is the compulsory insurance program where the state ensures the post-accidental livelihood of workers and their families. This means that the IACI overcomes a problem of employers' individual responsibility based on the Labour Standard Act and enables injured workers to obtain income maintenance. In addition, it covers a job training programme as well as recuperation and recreation for injured workers (MOL, 1981: 4).

The IACI is financed exclusively by contributions from employers while the Government is responsible for just the administrative costs of the system (Kim, M.S., 2002: 5). As a result, whereas around 95% of premium is from employers, the government is burdened with just 1 % of its finance from the general account (Kim, 1994: 36). On the other hand, at first, the IACI was limited to mining and manufacturing enterprises with 500 employees or more. Yet, the coverage has been expanded, and in 1998, a special provision was made to extend coverage to student trainees, students at vocational training centers, and employees stationed overseas. On July 1 1998, the insurance coverage was extended to financial and insurance companies that had four employees or more, and on July 1 2000, coverage was extended to virtually all firms or work places. Even businesses employing only one employee were included. In addition, based on the assumption that owners of small and medium-sized enterprises, which hire fewer than 50 workers, participate in the actual production process as workers, the coverage was extended to their owners as well. Those who are self-employed, engaged in small-scale agriculture and fisheries, forestry, and hunting operations, and those who are involved in special occupations that may be difficult to define are pressing the Korean IACI to expand its coverage (Kim, 2004: 2).

As can be seen above, the IACI is for industrial injures, including industrial diseases. However, the activities of an interest group, which was composed of ex-miners with pneumoconiosis, and miners' unions, FKCWTU, for more benefits and more protection just for miners and ex-miners with pneumoconiosis led to the introduction of a special scheme, the APPPPW, in 1984. Likewise, the introduction deserved admiration for its participation of correspondents such as trade unions and ex-miners with CWP.

In addition, it is assessed as a meaningful event for miners and CWP. The purpose was 'to contribute to the protection of workers' health and the promotion of their welfare by intensifying the prevention of pneumoconiosis and the control over the health of workers engaged in dust work by providing matters concerning the payment of consolation benefits to any worker suffering from pneumoconiosis and his bereaved family members' (APPPPW, Article 1). The main contents of compensation are as follows:

Pneumoconiosis funds can be drawn from the special account budget of the national budget or other funds (Article 23, 2).

The funds can be used for scholarship for pneumoconiosis patients' children and the stabilisation of their livelihood (Article 26).

Work replacement benefit transfer allowance is raised to seventy days of the average payment (Article 38, 1).

Survivor benefits and disability benefits are paid in 60/100 of average payment (Article 38, 2 & 3) (Kim, 1995: 4).

As seen in the articles, what is important in this special law is that disability benefits and survivor benefits were introduced.

2. Legitimacy Politics and IACI

A military group, which established the Third Republic later, took power by military force in 1961. The military junta claimed to stand for anti-communism and developmentalism and exacted the obedience of these ideologies from people. On the other hand, it tried to introduce social security systems in order to make up for its weak point in legitimacy. In this context, the IACI was discussed by the Social Security Investigation Committee, an advisory agency within the Ministry of Health and Social Affairs, and the national insurance was introduced on 8 October 1963 by the Supreme Council for National Reconstruction (hereafter SCNR). The background, purpose and policy-making processes will be examined here.

Background and Forced Social Consensus

Military Coup and Anti-Communism

Korea was under Japanese colonial rule from 1910 to 1945. In this period social policy was very weak and this part will therefore examine the period from its liberalization. Korea has experienced a turbulent period since its liberation from Japanese imperialism in 1945. After the UN trusteeship over Korea for three years, Korea was divided into the two countries of South Korea and North Korea which were supported by the US and USSR respectively in 1948 and experienced the Korean War for three years (1950-1953). This shows that ‘the Korean peninsula was at the center of the Cold War since the end of the Second World War’ (Koo, 2001: 11).

The First Republic (1948-1960) selected a president, Syngman Rhee. He sought to build his personal dictatorship counting on America

and the previous ruling block such as the pro-Japanese group and the landed class. The Rhee government put the powerful political belief of national foundation on liberal democracy, which was actually identified as anti-communism, anti-USSR and anti-North Korea; in particular, ‘after the Korean War anticommunism became a hegemonic ideology’ (Kwon, 1999: 35). In this stage, the Rhee Government played its active role as an anticommunist base. The Government suppressed the democracy movement as well as the labour movement¹¹⁴ under the clock of anti-communism. Likewise, anticommunism and anti-North Korea were used as strategies and ideologies for Rhee’s rule.

The April Revolution against Rhee’s dictatorship in 1960 led to the collapse of the First Republic and the Second Republic (1960-1961) was established by the Democratic Party. The new republic can be identified as a democratic government but it did not last long. This is because a military junta took power in the name of recovering social disorder and saving it from the threat of North Korea. The excuse given by General Park Chung-Hee, leader of the junta, was that their rule was temporary (Kwon, 1999: 3). Yet, the promise was like piecrust. After the two year of dominance (16 May 1961-1962), Park became a president of the Third Republic in the 1963 election for presidency.

During the rule of the military junta, from May 1961 to December 1962, the junta dissolved the National Assembly, which was replaced by the SCNR. ‘The SCNR played a significant role in centralising state power during a short time of the revolutionary period before the restoration of the presidential system in 1963’ (Woo, 2004: 35). In

¹¹⁴ ‘In this state-formation process, militant leftist unions (which had emerged right after liberation from Japanese colonial rule in August 1945) were completely destroyed by right-wing forces and the U.S. military government, leaving the new generation of Korean factory workers no organisational base on which to build their movement’ (Koo, 2001: 12).

addition, the existing political parties, civic groups and trade unions were dissolved and reorganised in favour of the military junta.

The general crisis of the Third Republic had begun in the late 1960s because of an economic crisis from the first oil shock in the early 1970s and increasing democratic movements. Park's Government established the Yushin ('revitalization' in English) regime identified as the Fourth Republic (1972-1979) in October 1972 under the cloak of national harmony. The regime installed Park as a dictator for life who concentrated all state power only to himself (Kim, 1998: 323); 'The Presidential Emergency Measures under the Yushin regime basically prohibited any political activities against the government'. In addition, the new constitution, called the Yushin Constitution, was introduced and the president dissolved the National Assembly and appointed one third of the legislators in this Constitution (Woo, 2004: 52). In other words, President Park became the only leader to dominate all the fields of administrative government, and legislative and judicial branches through the introduction of the Yushin Constitution (Kim, 2003: 203).

The Third and the Fourth Republic, like Rhee's Government, took the anticommunist line as a national policy. Park believed that the line could justify his military coup. Just after the military coup in 1961, the military junta proclaimed martial law and released 'the Revolution Pledge' with six articles:

First, we will take anticommunism as the first national policy and reorganise the anticommunist system which has, so far, existed for form's sake. Second, we will abide by obligations under the U.N. Charter, will faithfully fulfil international agreements and will cement relations with friendly nations based on liberalism. ... Fifth, we will do everything in our power to develop our ability against communists for the national unification (Military Junta, "the Revolution Pledge", 16 May 1961).

As can be seen in the pledge, the Third Republic put anticommunism as the first principle of national policies. Also, the Law Concerning Special Measures for Safeguarding National Security (December 1971) and ‘the Yushin Constitution’ (October 1972) enabled the president to stay in power forever in the name of anticommunism and peaceful unification:

I urge our nation to closely band together in order to embody our long-cherished desire of peaceful unity. In order to achieve this national mission, I proclaim a state of emergency for two months to lose the effect of some clauses of the constitutional law (The First Martial Law Proclamation, 17 October 1972).

Likewise, ‘the government took advantage of the threat from communist North Korea, claiming that this made authoritarian politics indispensable, at least for the time being’ (Kwon, 1999: 28). Consequently, anticommunism was used in cracking down on the labour movement and democrats in addition to the repression of socialists.

Developmental State and Modernisation of the Fatherland

Throughout the 1950s, the Rhee Government largely depended on foreign relief aid programmes, which were initiated by international aid organisations such as the United Nations Children’s Fund, and a massive US relief aid (Shin, 2003: 49). On the contrary, the Third and the Fourth Republic stood for ‘economic growth first’ and vowed to boost economic development. This meant that the Republics were ‘a developmental state and a hard state to dominate and replace a market as they intervene in allocation of resources’ rather than ‘a liberalist state to participate in the establishment of competition rules of market’ (Choi et al., 2001).

In detail, Korea was based on oversea economic aid until the early 1960s, and accordingly, the US economic aid absolutely contributed to the Korean economy. But from the 5.16 Military Government the Korean

state played a key role in industrialisation. The military junta put top priority on ‘the modernisation of the fatherland’ through economic growth for its legitimacy. The national goal was recognised as ‘a project to make the nation rich and powerful so as to protect itself from the hostile communist north and other foreign powers’ (Koo, 2001: 12):

“I want to emphasize, and re-emphasize, that the key factor of the May 16 Military Revolution was to affect an industrial revolution in Korea. Since the primary objective of the revolution was to achieve a national renaissance, the revolution envisaged political, social, and cultural reforms as well. My chief concern, however, was economic revolution. One must eat and breathe before concerning himself with politics, social affairs and culture” (recited in Shin, 2003: 52).

The strong will of the junta was embodied by the First Five-Year Economic Development Plan implemented from 1962. The First Plan mainly focused on export-oriented industrialisation strategy and promotion based on labour-intensive light industries. Even after the transfer of power to the elected government in 1963, the government advocated national goals of ‘national security and economic development’. This was because the Government liked to put its political legitimacy on economic efficiency (Kim, 1994: 41).

In the early 1970s, the strategy of industrialisation in the authoritarian Yushin regime was changed from light industries to heavy and chemical industrialisation. The change in economic strategy allowed the state to intervene in the economy more vigorously (Shin, 2003: 7). The economic growth-oriented strategy continued from Park’s Government through the Yushin regime to Chun’s government for the legitimacy of authoritarian governments.¹¹⁵

¹¹⁵ ‘During the period 1961-87, the governments of Korea pursued a strategy that can be summarised as legitimising through economic performance, despite different emphases at certain points in time. For example, President Park’s government pursued an economic growth strategy whereas President Chun aimed at economic stabilization.

As is written above, the military governments had taken advantage of economic performance and developmentalism as national policy and ideology. What is interesting is that there is a close relationship between anti-communism and developmentalism. In other words, the discourse of modernisation contributed to the consolidation of political power through complementary cooperation with anticommunism. The following statements in Park's New Year message in 1962 and his inauguration speech in 1963 shows how discourses between economic growth and anticommunism combined together:

It is absolutely necessary to bolster the perfect nation's defence capability in order to depend freedom against the red menace and to stimulate economic rehabilitation in order to enjoy the freedom... Without independent spirit, effort to self-help spirit, self-regulating action and economical independence, it is proven that the democracy just in appearance leads to a way of disorder and ruin according to past experience ("New Year Message for 1962, 1 January 1962).

Without economic growth, there is no emergence from poverty, without economic growth, there is no elimination from unemployment. Also without economic growth, there is no victory over communism in the long run which brings the emancipation of Northern brethren and unification that the force of freedom overflow ("Inauguration Speech for 6th President", 1 July 1967).

As described above, as Park's regime recognised modernisation as a measure to accomplish its purpose of anticommunism and anti-North Korea, its rationalised itself in terms of political legitimacy. Therefore, any action to obstruct economic construction, such as democratic movement and labour movement was regarded as communist.

Consequently, economic policy took precedence over all other policy considerations, including social policy' (Kwon, 1999: 20-21).

Legitimacy Politics and Social Security Investigation Committee

As discussed, the social consensus, developmentalism and anticommunism, had been made under compulsion and the developmental and authoritarian government had been absorbed in economic growth. How can we then explain a move towards social security in the 1960s? In this part, the answer will be presented and the Social Security Investigation Committee (hereafter SSIC) will be described.

Legitimacy Politics and Social Policy

When social policy was introduced in Korea, the Government and capital were organised as an alliance for economic growth based on developmentalism and the growth-first ideology, whereas labour was suppressed. In addition, the discourses of developmentalism and anticommunism are never in concordance with social welfare. In addition, ‘in 1960, when the per capita GNP in Korea was only US\$80, the majority of Korean people were in absolute poverty, without any social protection. Social welfare had never been in the policy agendas of the government’ (Shin, 2003: 62).

What is more interesting is that there is no doubt that the IACI and Health Care was introduced even without pressure group politics as well as class politics. How was the introduction of welfare institutions without class politics possible? This will be discussed in terms of legitimacy politics.

The Third Republic mainly made a priority of national policy on national defense and security, and economic growth based on anticommunism and developmentalism. On the other hand, ‘the military junta, after the 5.16 coup, took an equivocal attitude about the establishment of social security based on modern social insurance and did

not have the professional competence to suggest a vision on social welfare. This was the same in the introduction of IACI' (Woo, 2007: 166). Nevertheless, immediately after the coup in 1961, the Highest Congress for State Reconstruction made a public notice that the government would go towards social welfare. In particular, General Park urged a related body for social security to introduce insurance for industrial injured workers:

We will make our best efforts to improve the quality of ordinary peoples' living and establish the welfare society by the introduction of a social security system based on social assistance and social insurance programmes (Editing Board for History of the Korean Military Revolution, 1963: 391, recited in Shin, 2003: 62).

The junta needed to show its legitimacy and at that time people had higher expectations for reform which stemmed from the 4.19 Student's Revolution and the trial of the Second Republic. Therefore, the coup government felt a pressure to show its reformist character.

For a more fundamental reason, the military government prepared for a presidential election because it promised the transition from military government to civil government in 1963. Therefore, the junta perceived that massive political support was critical to its survival (Woo, 2004: 37). A thing to note here is that economic growth was a crucial factor in legitimising the military junta. Nevertheless, why was it necessary that schemes with social policy should be introduced? This was because 'the military junta increasingly lost its popularity due to the lack of visible economic performance, two years of poor harvest, insufficient social reforms, and Park's reluctance to relinquish the military government. In the face of the presidential election in October 1963, in which Park himself planned to run as a candidate, the military junta needed to elevate its political legitimacy more than at any other time' (Shin, 2003: 63).

As can be seen above, the junta intended to justify the coup in ‘the modernisation of the fatherland’, namely economic growth, but its effect would present over a long-term period. Thus, it needed to show some visual achievements at that time for the coming election. This attitude resulted in showing a desire for social security and social welfare. Kwon pointed out that:

Legitimacy through economic performance was a long-term strategy and would take time to produce visible results. Meanwhile those in power needed a short-term strategy of legitimacy, especially because of their violation of constitutional rules and democratic principles (1999: 41).

As indicated above, because the social welfare system was introduced for the election, it was not a result of in-depth discussion and there was much limitation. For example, the social insurance just for professional groups such as professional soldiers, teachers and civil servants was first introduced. In the case of the IACI, its coverage was also limited, as can be seen in workers at firms with more than 500 employees in IACI.

Establishment of Social Security Investigation Committee

The military junta set up the SSIC as an advisory agency under the Ministry of Health and Social Affairs (hereafter MOHSA) in 1962. After the Cabinet Decree No. 469 of General Park in 1962 was sent, the MOHSA and the SSIC promoted the introduction of IACI, and after much deliberation¹¹⁶ in the departments concerned, it was finally passed through the Standing Committee of the SCNR on 8 October 1963. This part will focus on the establishment of SSIC.

¹¹⁶ The process of investigation is as follows: Investigation in the SSIC → Acceptance of the Minister of MOHSA → Discussion in departments of the Government and Investigation of the Office of Legislation → Discussion in the Standing Committee of SCNR (Woo, 2007: 167).

In the 'Revolutionary Pledge' there was no mention of social welfare programmes, although there was a pledge; 'the solution to the immediate problem of people's economic plight'. Yet, the SCNR vowed to aim at 'the construction of welfare society' in the 'Direction of Basic Policy' for enforcement in 1962. In accordance with this guide, the MOHSA made a draft titled the 'Regulation on SSIC' and submitted it to the Cabinet Council. This regulation named the Cabinet Decree was promulgated on 20 February 1962 (MOL, 2004, 16; Son, 1981: 28). According to this decree, the SSIC was created the next month. The body was an advisory agency within the MOHSA for the minister of health and social affairs. The SSIC¹¹⁷ first of all investigate and study the social security system to fit the reality of the country and carry out legislation and gradual study for the extended enforcement of a social security system through a pilot operation and the assessment of social security systems.

The SSIC was divided into two structures: Plenary Committee and its four Standing Committees. The Plenary Committee consisted of less than 20 members. It was headed by the Vice-Minister of MOHSA while members could be appointed among persons of learning and experience on social security systems and civil servants. The term of office was one year (MOL, 2004: 16-17).

On the other hand, there were four sections under the Plenary Committee: Comprehension, Health Care, Public Assistance and Labour. The researchers in each section were nominated among 'persons of learning and experience on social security' appointed by the Minister of

¹¹⁷ Before the SSIC took shape in 1962 it was a voluntary study group looking into the possibility of state medical insurance. At the beginning there were eight people in the group, including a doctor, intellectuals and civil servants. They were proud of their work, which might contribute to the future introduction of social welfare programmes. They produced several pamphlets, most of which outlined social welfare programmes and anticipated possible obstacles to their introduction. After the military coup by Cabinet Decree 469 in 1962, the Group became the SSIC (Kwon, 1999: 52).

the MOHSA. They were responsible for researches and studies on affairs of social security. In the initial stage, there were two researchers in every section of whom one was a chief researcher and the other was an assistant researcher. Just Shim of total eight researchers was a civil servant while others were experts (MOL, 2004: 17-18). Likewise, most of members were experts.

Table 5-1 Section and Member of Standing Committee

Name of Section	Chief Researcher	Assistant Researcher
Comprehension	Man-Jae Cho	Sang-Bok Nam
Health Care	Cheon-Song Choi	Nam-Hee Kang
Public Assistance	Sang-Moo Hann	Pill-Jae Park
Labour	Gang-Sup Shim	Boo-Ki Min

Sources: MOL, 1997: 16

The sections regarded social security for workers as the most immediate priority and started to discuss it (Choi, 1991: 34- 35).

Amid the discussion about the social security system in the SSIC, the chairman of the SCNR at a press conference in May 1962, General Park Chung-Hee, mentioned for the first time the introduction of social security programmes. He presented his interest particularly in the issue of ‘equal access to health’ and he also paid attention to the importance of a social security system based upon social insurance and public relief. In addition, Park then presented his order memorandum titled the ‘Cabinet Decree No. 469’ on 28 July 1962, requesting the introduction of social welfare programmes (Kwon, 1999: 52-53; Woo, 2004: 37). The memo to the cabinet stated that its aim was ‘to increase the national income and protect the people from unemployment, sickness, and old age; to pay attention to the development of a social security system as well as

effective relief measures' (Woo, 2004: 37). In addition, this decree ordered to select and establish social insurances to be easily conducted:

The Government has carried out social assistance for the poor under the Livelihood Protection Law, but stable social security systems that people, employers and the Government can attend should be introduced in accordance with economic development. The Government will guide to establish comprehensive social security systems and to first establish some social insurances which are easy to enforce (SCNR, 1962).

The decree showed the will of Park, the chairman of SCNR, which seemed to be a critical momentum in introducing the initial social security system. There is no doubt that this decree itself was a chairman's token for the introduction of a social security system (Woo, 2007: 167). Thanks to this decree, the morale of experts in SSIC was greatly raised and the study of social security was full of spirit (Son, 1981: 36).

Consequently, the IACI was first created as one of the social security programmes. Furthermore the introduction of Health Care was tried in order to realise an ideal of equal medical allotments. In other words, just before the transfer of power to the elected government, the IACIA was enacted on 5 December 1963 and the Health Care Law was legislated just eleven days later. Researches on social security subsequently continued and the results were presented as the Social Welfare Services Act in January 1970 and a draft for the National Pension Act in December 1973, which were both products of the SSIC (Choi, 1991: 35).

As written above, it is acknowledged that the SSIC played a vital role in producing the foundation of a social security system in Korea (Shin, 2003; Son, 1981; Kown, 1999).

Policy-Making Process for IACI: Agenda Setting and Actors

Agenda Setting

Agendas were set in the Labour Section of the SSIC (later changed to the Industrial Accident Compensation Insurance Section¹¹⁸). The section which first participated in the introduction of a social security system should decide what a top priority in the performance of social insurance was. Therefore, there has been a variety of discussions about the order of precedence. As a result, the section decided the introduction of IACI and the Unemployment Insurance was the pressing domestic problem (MOL, 1997: 17). This was because much interest in Unemployment Insurance had been at that time expressed by trade unions and there had also been a discussion about the establishment of legal compensation under social insurance rather than the Labour Standard Act.

First of all, the problem of unemployment and its insurance had, as written above, been suggested for a long time since the nation's liberation from Japanese colonial rule. Thus, the public as well as workers had known what the insurance was and public opinion also supported its introduction (MOL, 1997: 18). Yet, the section decided that insurance for an unemployed person was not possible at the time. This was because of the difficulty in creating the necessary funds and inappropriate timing. In the case of timing, Park wanted a clear plan to be prepared in time for his New Year press conference in January 1963 because there would soon be an election for presidency (Kwon, 1999: 53).

¹¹⁸ The reason why the name of the section was changed is because of change of function. The Labour Section considered at first the introduction of the Unemployment Insurance and the IACI. But, all the members of this section reached a conclusion that introduction of the Unemployment Insurance would be premature. Therefore, they discussed about introduction of the IACI. From then, the name, Labour Section of the SSIC, was naturally changed to the Industrial Accident Compensation Insurance Section. In addition, the section strengthened itself through employing a new person as a assistant in the area of law, Yun-Ho Nam (Choi, 1991: 36).

Therefore, the Labour Section of the SSIC decided to postpone the introduction of unemployment insurance but it expected that a defined plan for the insurance might be formed in the First Five-Year Economic Development Plan which was presented in July 1961(MOL, 1997: 19).

Based on the above discussion, the SSIC made a decision to introduce the IACI. What then was the reason why the IACI of all insurances was first introduced in Korea?

According to the Government's explanation, historically the advanced countries had already examined social measures for injured workers one century ago, and in the early 1960s, nearly half of all the countries on Earth had introduced industrial injury schemes. Thus, the introduction of IACI was decided as the utmost priority of the Government (MOL, 2004: 19-20; 1981: 4). In addition, the Labour Section of the SSIC considered that injured workers faced more difficult financial situations than the unemployed because of the dual difficulties of injured workers in the loss of their ability to work as well as their need for health care (Kwon, 1999: 53: 80; MOL, 1981: 27). Nevertheless, there were many problems in the existing scheme for injured workers, Labour Standard Act. This was because the law did not cover injured workers in smaller companies. Thus, many injured workers were in a dead zone of protection outside the law. In addition, 'The drawback of Labour Standard Act was that it did not guarantee that compensation would be paid, as employers only had to pay if their financial situation allowed' (Kwon, 1999: 80).

Yet, unlike the official explanation of the Ministry of Labour, the true reason why the IACI was first introduced seems to be due to the necessity of protection of labour power for industrialisation and less burden on employers.

In detail, there seemed to be no problem in finance for the IACI; 'employers were already liable for industrial accidents under the

1953 Labour Standard Act, so the only thing that needed to be done was to turn this into compulsory insurance' (Kwon, 1999: 53). Furthermore, it seemed not to put a big burden on businesses and the Government because it only covered workplaces with more than 500 employees¹¹⁹ and it would be implemented with the employers' contribution (Woo, 2004: 39).

It was assessed that the reason that the IACI was introduced was the intention of state which would like to keep and reproduce labour power for industrialization. This could be found in the discussions of the researchers of SSIC who were responsible for basic study on the IACI. The experts in those days considered which insurance of Unemployment or the IACI should be introduced first, and they selected the IACI as their first task. This is because there would be industrialisation according to the First Five-Year Economic Development Plan (1962-1966) and the Government should accordingly take measures for industrial injury and protection of the labour force. This attitude was also clearly found in the 'the Government's Labour Policy Direction'. According to an official document written by the Labour Office, the scientific development and preservation of manpower were necessary in order to push for the First Five-Year Economic Development Plan. The document pointed out that to arrive at this goal, the IACI as well as vocational training and job security needed to be conducted (Kim, 1994: 42-43; Woo, 2007: 176). From this point of view, there is no doubt that the trial for the introduction of IACI was in accordance with developmentalism.

Moreover, it seemed that the IACI was relatively easy to implement rather than other schemes. This is because the compensation for industrial injured workers was being conducted by the Labour Standard Act, which was introduced in 1953, and the collective

¹¹⁹ In fact, it showed that 'as of 1965, industrial accident insurance covered 8.6 percent of employees in non-agricultural industries' (Woo, 2004: 39).

bargaining in individual firms. Lastly, there was not a problem in the IACI unlike the Unemployment Insurance in which there might be problems, such as reducing the will to work. Also, it was expected that the compensation from the IACI was a kind of poverty prevention, so it could reduce the burden of the Livelihood Protection Law. These reasons made the Government decide on the introduction of IACI (Min, 1963: 79).

The bill for the IACI and its plan of operation sailed almost intact through the SSIC in July 1963. The SSIC put up a solitary struggle over two years for the introduction of IACI and the first stage of the work was completed (MOL, 2004: 23- 24).

Vocation of Experts and Bureaucrats

It is generally accepted that at the time, the 1960s social security system was introduced thanks to experts and bureaucrats. Son regards the welfare system introduced in the early 1960s as ‘a result of compromise and discussion between experts and bureaucrats’ (1981: 4). This means that they played a key role rather than pressure groups or trade unions in introducing social welfare. This can be understood in establishing the SSIC and introducing the IACI.

First of all, this SSIC was set up based on a private meeting titled the ‘Health Care Research Society’ which had been run by experts, bureaucrats, doctors, etc. since October 1959 and was held on Thursdays every week. The members tried to affect bureaucrats and policy-makers on social policy and they later became the members of SSIC. They tried to persuade the members and especially the president of the SCNR to materialise social security system as soon as possible. The effort led to the Regulation on SSIC and the Cabinet Decree No. 469 of the president which contained an order for the introduction of social policy (Son, 1981:

10). In this context, Son (1981) called them ‘initiators’ or ‘originators’ of social policy.

With regard to the introduction of the IACI, there were five main men who were closely related to the introduction, such as Hee-Seop Jeong (Minister of MOHSA), Chong-Cheol Hong (Culture and Society Committee of SCNR), Kang-Sup Shim, Bu-Ki Nam, Yeun-Ho Nam (researchers of SSIC) (Son, 1981, 55):

“If there was no minister Jeong and the committee member Hong who tried to introduce the insurance, it would have taken a long time in the establishment of the institution. Thus, we should highly assess their best efforts” (MOL, 198: 58).

The important thing is that the experts successfully persuaded bureaucrats to understand the necessity of IACI. In other words, it shows that the minister Jeong and the committee member Hong finally accepted their explanation (Son, 1981: 28-30). Through this process, the five men felt a sense of pride and obligation for introducing a social security system. They thought that social reform could be achieved on the back of a reformist atmosphere in a military revolution (Woo, 2007: 171).

In the stage of proposing a scheme for industrial injury, the relevant body was the Labour Section of the SSIC and its staff had Kang-Sup Shim as a technical expert and Yun-Ho Nam and Bu-Ki Min as his assistants (MOL, 2004: 17). Cheon-Song Choi, a member of Health Care, remembered them as outstanding players:

“In the whole course, from drawing up the bill to passing the SCNR and promulgating the law, the researchers of SSIC directly intervened. Namely, they played a role like the job of a midwife and accordingly there was nothing to pass through their hands. In addition, they drew drafts for flow-up measures... Viewing through the whole process of legislation, their achievement entitles them to our admiration” (Choi, 1991: 37).

As can be seen above, the three experts in the Labour Section of the SSIC contributed to the IACI introduction as they actively participated in making and passing the bill (MOL, 1982: 3). Likewise, the Government could not have carried the legislation off without their help (Choi, 1991: 35).

What is important to note is that if there had been no help from bureaucrats in this stage of policy-making, the establishment of the IACI would have been impossible. In this stage, there were main actors such as Hee-Sup Jung, minister of MOHSA, and Chong-Cheol Hong, a member of Culture and Society Committee at the SCNR.

There was a prevalent atmosphere of skepticism in the economy-related departments of the Government whilst introducing social insurance. In this situation, Yun-Ho Nam, assistant of researcher of SSCI, was charged with seeking bureaucrats' consent in relatively low-ranking government officials rather than directors or chiefs, and he made outstanding contributions in accomplishing this mission (Son, 1981: 56-57). On the other hand, the competent minister Chung actively tried to persuade ministers of each department, especially focusing on economy ministers (MOL, 2004: 28-29).

On the other hand, Hong actively supported the introduction of social security, paying close attention to the IACI and he played an important role in the final stage of the SCNR:

“Without Chong-Cheol Hong, it would have been difficult for processes to be favourably run and finally pass in the SCNR.... He stressed the importance of the introduction of the IACI to members of SCNR and ministers of government and took the lead in persuading them” (Woo, 2007: 167).

As shown above, experts not only make policy-makers recognise the importance and significance of the IACI and but also provided the direction of legislation: ‘The task of policy experts was to provide

expertise to the decision makers and to draft policy proposals once the decision makers had formulated their broad policy orientation. More importantly however, they also influenced the decision makers' perceptions of social policy' (Kwon, 1999: 31). On the other hand, relevant civil servants' support helped to pass this law in the process of policy-making.

In conclusion, the IACIA was a joint production of experts and bureaucrats. Yet, we should not overlook the fact that without the consent of Park, the highest person in the SCNR, the enactment would have been absolutely impossible. In other words, 'although they were able to propose new policy ideas, they were unable to change the general orientation of policy because this stemmed from the political philosophy of the decision makers. If there was a difference between the orientation of the top decision makers, especially the president and that of the policy experts, the latter was marginalised from the decision-making process' (Kwon, 1999: 31). It is noticeable that Park's will was very important and played a crucial role in introducing the insurance. Yet, there is another noticeable point, that experts affected his will and decision. In fact, the Cabinet Decree was created thanks to the experts' influence on the chairman:

The Cabinet Decree was drawn up in the background that the researchers of SSIC persuade bureaucrats, especially the president of Culture and Society Committee in SCNR, Young-Mun Kim, and a committee member Chong-Cheol Hong, to understand the importance of social security through many meetings, and the bureaucrats who agreed with the researchers also talked the president of SCNR, Park, into receiving the will of researchers (Son, 1981: 37).

As can be seen in the above statement, the Cabinet Decree which played a key role of legislation seems to be affected by experts.

Trade Unions and Employers: Onlooking and Passive Resistance

Trade union or employers did not raise the question of social insurance for industrial injured workers until the government did but their basic views were in opposition to enactment. In particular, the introduction of IACI was opposed by state-owned companies, big private companies, even trade unions, contrary to expectation. From the point of view of the big companies, they had the ability to pay compensation and tended to think that in terms of labour control it was more rational for an employer to directly compensate injured workers. Likewise, employers thought that it was more profitable for labour management that employers made direct payment to injured workers in workplaces.

Meanwhile, the FKTU worried about a decrease in compensation as a result of the introduction of the insurance. This was because they tended to believe that benefits were higher in collective bargaining rather than in the insurance. In other words, trade unions tended to think as follows: 'injured workers through collective bargaining were now compensated for more than benefits and compensation based on the Labour Standard Act'. In this situation, they doubted whether the level based on the coming insurance for injured workers would be less than the existing level (MOL, 1981: 27; Kim, 1994: 52, 63).

However, both bodies did not officially express their internal intention before the enactment of the law and they were just looking at the policy-making process to be conducted in the political governmental area. During the process, there were two public hearings held by the Labour Section of the SSIC. In these meetings, the Government tried to persuade trade unions and employers to receive the introduction of IACI (SCNR, 1963: 88-89; MOL, 2004: 26; Woo, 2007: 166). From the point of view of employers, the plan for the IACI was criticised in these public hearings:

“We can provide injured workers with enough payment and we have done well under the Labour Stand Law. So we cannot understand why the Government would like to build up another institution so that the work for compensation becomes more complex. If claims for compensation are done, our employers will have double burden. Thus, the existing way is right and helpful in labour management” (MOL, 2004: 26).

Meanwhile, trade unions made criticisms in these meetings: ‘we are doing collective bargaining. In the negotiation, we aim for a compensation of level of 100/100 for benefit for suspended work. But the expected benefit in the insurance and the existing benefit in the Labour Standard Act are just 60/100’ (MOL, 2004: 26). The perspective of trade unions can be seen in the statement of Shim, expert of SSIC:

“We indicated that in the case of benefit for suspended work it was valid for more than 60/100 through collective bargaining because the benefit level, 60/100, in the Labour Standard Act, was the lowest level. Despite our explanation, a trade unionist broke onto the platform and asked us to stop our briefing. During the process, some pages of our briefing chart were damaged” (MOL, 200: 26).

Despite the disturbances, general labour and businesses seemed to be silent during the legislation for industrial injured workers. In fact, proposals and recommendations from all walks of life were submitted from around the middle of the 1970s according to documents from the Ministry of Labour and annual reports from trade unions and companies. Therefore, there is no doubt that there was not any active assertion in the process of enactment from labour and capital in the early 1960s.

Policy-Making Process in Government and Parliament

The process of legislation for the IACI was not at all open. Differences on key issues were settled only within in the Government such as the SCNR and relevant departments. In other words, there were no trials to collect extensive public opinion from businesses and labour forces except for during two formal public hearings. After the SSIC affiliation with the MOHSA was established in 1962 and the Cabinet Decree from Park was delivered to the Cabinet same year, the MOHSA and the SSIC quickly promoted the introduction of IACI. A bill introduced by the SSIC went through a series of investigation processes (Making a draft in the SSIC → admission by the Minister of MOHSA → Investigation and consultation with the government's departments → Investigation and discussion at SCNR) and finally became a law in the SCNR on 8 October 1963 (Woo, 2007: 167). Policy-making process will be examined here, focusing on the discussions and compromises of the Government and the SCNR.

Discussion in the Government

First of all, the bill for industrial injury was on the table of the Cabinet council soon after the compromise among relevant departments of government. There was a controversial point at issue, whether it was a social insurance or a private insurance. The military junta did not firmly decide a type of IACI among the type of private insurances, preservation of compensation in the Labour Standard Act or the mode of social insurance (MOL, 2004: 23-24; Son, 1983: 101-108; Woo, 2007: 166). Through the policy-making process, the MOHSA decided to legislate in line with social insurance. Therefore, the process was developed whether

the MOHSA could persuade other departments, especially economic-related ones.

In detail, the two laws, the 'Law on Social Security' and the IACI, were submitted at the seventieth vice ministerial meeting on 9 November. The former was passed but the latter was put on hold. This was because some vice ministers in the Government thought that it should be examined again at a ministerial meeting as to whether the IACI deputed to an insurance section of the Government such as the Ministry of Postal Services or a private insurance company. Consequently, the original draft was accepted without revision in a ministerial meeting (MOL, 2004: 28).

The researchers of SSIC played a key role in this process. For example, private enterprises actively lobbied to manage the insurance while the researchers and some relevant bureaucrats were persuading each department of the Government to receive the IACI under the responsibility of the Government. Even some bureaucrats who regarded the insurance as a bother tended to agree with this opinion. In this situation, relevant bureaucrats, Hee-Sub Kang and Hee-Sup Chung, asked experts which institution among the Government, state-run companies, or private companies should be responsible for the insurance. Yun-Ho Nam and Kang-Sup Shim explained to the bureaucrats' satisfaction that the Government should rightly administer the affairs of the insurance because of social welfare. The civil servants became convinced of the legislation (Son, 1981: 56-57).

When the bill was sent to the Cabinet Council, the economy-related departments tended to oppose the bill strongly. The Economic Planning Board did not answer a word to the MOHSA because it held an opinion that the country's per capita income¹²⁰ was less than \$100 and just the Labour Standard Act was enough (MOL, 2004: 25). In this

¹²⁰ Now of 1962, per capita income was \$87, the amount of export was \$5.480 million, and the items of major export were raw silk, tungsten, fish and so on (MOL, 2004: 20).

situation, the reason why the law could be realised was the absolute devolution of bureaucrats, as seen in the Shim's memoirs:

“Arguing pros and cons at the eight days’ vice ministerial meetings, Minister Chung ordered me to prepare for ‘a briefing chart’ and he said, “let’s explain the IACI to some ministers at 8 am every day before the Cabinet council on 17 November”. He added, “they do not seem to fully understand so I would like to explain the main points of social insurance. Let us make a full explanation”. Likewise, we planned to await a minister in his secretary’s office every morning before being at his office. We visited first the Minister of EPB, Yong-Seok Won. Minister Won was struck dumb when he saw us and told us “I fully know this issue. You don’t have to do all this”. We visited the Minister of Ministry of Commerce and Industry and Ministry of Agriculture and Forestry the next morning but we didn’t give a briefing on social security because they understood our intention and quite a few agreed with the plan. Instead, since we were there, we tried to talk over a cup of tea about our goal. According to an after-talk, there was an unprecedented event in history that a minister himself/herself visited in the early morning in order to explain a matter. It’s really inspired me to the long-term civilian life” (Shim K.S., MOL, 2004: 28-29).

As a result of the above efforts, the Law on Social Security was passed with revision at the 94th regular session of the Cabinet Council and at the same session the bill, IACI, was also approved in its original form.

Discussion in the Highest State Committee on Reconstruction

On 8 October 1963 at 10 am, the bills on IACI and Social Security came up for debate in the Standing Committee of SCNR. Contrary to expectation, the interpolation on these bills took two hours. In addition to an article-by-article discussion, the meeting was closed at 3:32 pm. The minutes reached 264 pages (in handwriting).

Prior to the interpolation and article-by-article, Chong-Cheol Hong gave the enunciation of the proposal:

“These two bills were drawn from the administrative policy in 1962 and 1963, and the Cabinet Decree that His Excellency the Chairman directly ordered. According to these plans, the SSIC, an adjunct to the MOHSA, has studied for two years conducting field surveys, discussing with relevant departments, making verbal modification and modifying the text of these bills. Now, we would like submit these bills and we hope you will cooperate with the procedures” (SCNR, 1963: 6-7).

Hong mentioned that these bills were from a clear instruction of Park, chairman of SCNR and reminded them that these bills were based on much discussion. He quickly urged them to pass them without more debate. Yet, an unexpectedly fierce controversy broke out over these bills. This debate was developed around some points in dispute, such as time being not yet ripe for social security, the immature ability of administration and consignment management (MOL, 2004: 48). Because the last two issues are closely related, the issues are categorised into one. So here they will be examined two categories.

With regard to the first point in dispute, that the introduction of a social security system was difficult in a situation of economic crisis, Ju-II Lee, the deputy chairman of Standing Committee of SCNR, mentioned as follows:

“Although there will be any deal of damage in state-run companies, they are ok because of the Government’s loans and investments. On the contrary, because private enterprises lack working funds they will be completely ruined just with small damage. In this situation, Premium for injured workers is a big burden to these companies and might lead to them closing their doors” (SCNR, 1963: 32-34).

This statement supports the claim that it was not the time to introduce the IACI in the difficult economic situation¹²¹. An official, Bong-Su Kang

¹²¹ The similar statements continued all through the meeting as follows: ‘Now, just 26 per cent of companies more than 500 employees is working because of fuel shortage and others. In this situation, is it a wrong decision for social insurance?’ ‘Now the Government is in financial difficulties. Nevertheless, the plan provides the insurance with some personal expenses. Is it right?’, ‘by the existing Labour Standard Act,

who was in the Office of Planning & Coordination of MOHSA, rebutted: “the IACI is good for all business and workers. It’s our unfailing faith” (SCNR, 1963: 121):

“An employer with an industrial injured worker is responsible for the accident in the existing institution. Thus, the employers may be ruined with compensation in one lump. The social insurance plans to provide for this situation. Namely, employers pay a small sum of money and companies with injured workers will benefit from the insurance without damage. Thus, the insurance can rather protect business bankruptcy” (SCNR, 1963: 32-34).

The Second issue was who would manage the IACI. In the meeting, there were many critics of the plan that the MOHSA would operate the insurance. Others suggested that a private insurance company or the Ministry of Postal Services should be responsible for the management of the insurance (MOL, 2004: 31-32). Their logic was based on the fact that the Ministry of Postal Services used to manage the Military Pension. In addition, they asked why a new body should be established, although a private insurance company could be responsible for the insurance. A member of the Home Affairs Committee of SCNR pointed out that:

“The Public Officials Pension is operated by the Government because it’s for civil servants. Yet, I cannot understand why the Government wants to manage insurance for workers. Unlike the Ministry of Postal Services, the MOHSA hasn’t treated any insurance. So if it’s surely managed by the Government, is it put in hands of the Ministry of Postal Services rather than the MOHSA?” (Park, Y.S., SCNR, 1963: 104-105).

Bong-Soo Kang answered this question:

“Our MOHSA would like to be not necessarily responsible for the IACI. ...Our minister also orders an examination of whether the insurance

industrial injury is compensating. Why do you make another institution?” (MOL, 1981: 36-37).

could be entrusted to the Ministry of Postal Services. Yet, after taking everything into consideration, we reached a conclusion that the MOHSA cannot but manage the insurance” (SCNR, 1963: 102).

The issue of who should be in charge of the IACI started in SSIC’s suggestion that the competent organisation was the MOHSA. In fact, there had been debates about this issue in the MOHSA and vice ministerial meetings before the debate in the SCNR. Finally, the discussion ended as the acceptance of initial plan, responsibility of MOHSA.

Through the prescribed formalities, the bill was submitted in the Standing Committee of SCNR. In this meeting the interpolation for the bill on IACI just ended and the SCNR went to an article-by-article discussion, but members still had a fierce battle rather than their hearts softened. In this situation, as soon as Hong strongly mentioned, the chairman of SCNR adjourned the meeting for a compromise among members. It was exactly at 12:53pm when the meeting began again and it was declared closed at 3:32 pm (MOL, 2004: 34-35).

As can be seen in the process, what should be noted above is that the IACI plunged into a highly critical crisis because of a low level economy and strong opposition. However, on each occasion Chong-Cheol Hong, member of SCNR, strongly and faithfully appealed to the others with the explanation of the importance of IACI and the law was finally passed with difficulty (MOL, 1981: 37).

The amendment was finally adopted at the SCNR on 5 November 1963 and came into effect on 1 July 1964. It covered firms with more than 500 employers. ‘The IACI was funded entirely out of contributions from employers, with the government paying for a portion of the administration costs. The benefits would cover medical expenses in full if the period of treatment exceeded three days. The programme would also provide a lump-sum payment equal to 1,300 days’ wages to the family of

covered workers' who died as a result of industrial accidents' (IACIA, 1997: Article 40 in Shin, 2003: 64).

Referring to the fixed content of IACI, because the political strategy of legitimacy placed the fundamental emphasis on economic performance, social policy was to a great extent constrained by the priority given to economic policy. This constraint was deeply embedded in the structure of IACI, affecting the method by which they were financed and the gradual expansion of coverage (Kwon, 1999: 42).

3. Pressure Group Politics and APPPPW 1984

Re-Appearence of Authoritarian State and Lack of Legitimacy

President Park was assassinated on 12 October 1979. The death directly stemmed from a conflict among factions in the ruling block, but the crisis had already begun outside in the late 1970s. First of all, strikes were increasing in the late 1970s which were led by new trade unions called militant (or democratic) unionism. A female worker's death on 11 August 1979¹²² became a triggering event of an antigovernment demonstration. Also, a resistance on Park Chung-Hee's dictatorship took place in civil society as could be seen in the demonstration in Pusan and Masan from 16 to 26 October 1979. Furthermore, there were struggles for power between factions in the ruling block (Kim, 2003: 223-230). In terms of the economy, the second oil shock in 1979 and economic recession which came from the over investment into the heavy chemical industry

¹²² The workers in YH Trading Co., a small company, made a strike in opposition partly because there were delayed wages but the president of the trading company ran away to his country, America. A female worker died in the brutal crackdown by police.

challenged 'the myth of economic development' which had kept the Yushin regime. This led the Government into a crisis (Kim, 1998: 366).

After Park's death, there was a military coup on 12 December 1979 by a new group of militarists, of which a major general, Doo-Hwan Chun, was the head. The group arrested the chief martial law administrator, general Cheong. This was a revolt against seniors through which Chun seized power. The 12.12 coup can be explained by the fact that the moderates in the militarists were eliminated by a new military group who wanted to extend the Yushin regime.

However, until the 5.17 Martial Law in 1980 was expanded, a short period of political liberalisation started for about five months. There was a freedom, although politics was unstable; 'The civil society was suddenly resurrected' (Koo, 2001: 100). Student movements for a democratic government were increasing in May 1980. On the other hand, 'a wave of labour unrest erupted in spring 1980. The number of reported labour disputes increased sharply from 105 in 1979 to 407 in 1980. The absolute majority of these conflicts were concerned with economic issues such as delayed payments, wage increases plant closings, and layoffs' (Koo, 2001: 100). Therefore, it was important that trade unions on a strike were organised well with a firm ideology. In fact, just a few trade unions were organised for strikes while the majority supported the new political group.

On the pretext that the political situation was very confused, the new military authorities proclaimed martial law and expanded the application of the law on 17 May 1980. As the military group took completely power in May 1980, the short-term political liberalisation called the '1980 Political Spring' abruptly ended. 'The return to military rule under Doo-Hwan Chun was accompanied by a mass killing that took place in Gwangju city in 1980, the capital of South Jeolla Province, in the southwestern region of the country' (Woo, 2004: 4). This was because

thousands of citizens organised themselves for a demonstration against Chun's coup. They were finally armed in front of the brutal military crackdown and the 1980 Gwangju Democratic Uprising resulted in the political tragedy which had the 'biggest victims'¹²³ after the Korean War' (Kim, 2003: 239). The defeat of democratic groups in Gwangju meant that the dark days began, and stayed until the 1987 Democratisation Movement.

As can be seen in the above description, the authoritarian government continued after the assassination of Park Chung-Hee. In the same context, dominant ideologies such as anticommunism and developmentalism were kept. This was because the Chun Doo-Hwan Government (1980-1987) took political power with an illegal measure like Park, whose junior of the Military Academy was Chun. What is interesting is that President Chun added another ideology, 'welfare society and social justice', to economic growth and national security. This can be seen in his presidential inauguration speech on 1 November 1980: "This Government enables people to internalise democracy in terms of our situation, constructs welfare state, materialises justice society and enhances national consciousness through the promotion of cultural standard" (Kim, 2003: 245). Likewise, the Government proposed the 'Construction of a Welfare State' but it was not until the late 1990s that the promise started to be more or less realised.

Politics of Establishment of APPPPW

Background and Key Players

¹²³ The Government officially announced that there were 191 victims and 852 wounded persons in the 1980 Gwangju Democratic Uprising.

There were several reasons for introducing the APPPPW, such as the miners' strike in 1980, necessity and sympathy for better treatment of pneumoconiosis patients, the upcoming 1985 general election, the efforts of actors concerned with pneumoconiosis patients etc. However, the 1980 miners' strike was not directly related to pneumoconiosis as it was a conflict between miners around hegemony of miners' trade union. Therefore, others will be examined in this part.

First of all, the APPPPW was introduced due to a social consensus that patients with CWP should be cared for but the existing laws and institutions were very limited. After the enactment of the Labour Standard Act in 1953, there was also the introduction of the Industrial Safety and Health Act in 1981 which was an independent law about industrial safety and health and the position of Ministry of Labour was upgraded from the Labour Office to the Ministry of Labour. This shows that the policy on industrial safety and health went into its stride. In this context, the interest of pneumoconiosis gradually increased with growing pneumoconiosis patients and interest in the industrial disease:

Pneumoconiosis sufferers find it difficult to live because pneumoconiosis is complicated and cardiopulmonary function is worse after leaving their work around dust. As a drift of coal mines gradually deepens and working conditions are worse, the necessity for disease prevention is high. Therefore, the APPPPW was introduced in order to improve pneumoconiosis protection and control and care for the lives of pneumoconiosis patients (MOL, 1985: 118).

Likewise, there had been a consensus among people for the seriousness of pneumoconiosis.¹²⁴ This is because pneumoconiosis is a wasting disease and there was no cure. Nevertheless, the existing laws and schemes were not enough to handle the disease:

¹²⁴ Pneumoconiosis outbreaks in mining industry were over 90% in 1984 and its medical treatment is impossible. In addition the number of sufferers increases every year.

“I think pneumoconiosis can be more or less treated in the current laws, the Mining Safety Act or the Industrial Safety and Health Act, but there is nothing especially for pneumoconiosis patients. Therefore, I think that special laws for sufferers with specific industrial diseases should be introduced” (Assemblyman Lee, H.K., NA, 17/12/1981: 14).

Furthermore, pneumoconiosis patients were in unfavorable circumstances because CWP appeared after long-term working and it was therefore difficult to impute responsibility to employers. This fact made it difficult for pneumoconiosis patients to win a suit for compensation.

It should be also noted that political reasons were an important factor in introducing the APPPPW. The upcoming 1985 general election was recognised as a very important election to the ruling party, the Democratic Justice Party. This is because the upcoming general election was a barometer of the election for presidency as well as assessment of the Fifth Republic after the military coup in 1979 and the brutal military crackdown on the 1980 Gwangju Democratic Uprising in 1980. The Government and the ruling party wanted to introduce several schemes for social welfare as a measure of winning the election. In this context the APPPPW was promoted. An assemblyman, Chun-Young Son, mentioned the APPPPW introduction as follows:

“We have tried to make a beautiful country since the Fifth Republic which targets ‘to realise society of justice and welfare’. Under the motor, we have made a constant effort with all of a mind. As a result, its economy has kept stability and growth and our country’s status in the world becomes elevated. But it is undeniable that there are still many people who need warm help and special care around us. We must be the first for our neighbourhood with all possible methods” (NA, 13/12/1984: 19).

The parliament under the leadership of ruling party therefore began with discussion of this petition and eventually passed it in 1984 soon before the general election. Likewise, the coming general election in 1985 led to the enactment of the APPPPW in 1984.

There is no doubt that a crucial reason was that relevant actors had made efforts towards introduction of the law. There had been pressures from all sides for the introduction; trade unions, patients, the Government, experts, civic groups etc. All the interviewees for this thesis maintained that the law was enacted by their endeavours. In other words, each actor thought that he/she rather than others played a main role in the enactment.

In the case of the APP, it is assessed that the APP played a main role in proposing the introduction of the APPPPW¹²⁵. Jun-Sik Hyun, who was the first president in the area of Hwanggi and closely related to enactment of the APPPPW, looks back upon its processes as follows:

“We have very frequently visited the National Assembly and the Ministry of Labour in order to the introduction of APPPPW since the early 1980s. At last the law is introduced by efforts of all executives and members of the APP. We were moved to tears. The enactment actually proved that each sufferer has no power but pneumoconiosis patients to unite around the APP can wield too much power” (Journal of APP(No. 1), 20 May 1995).

On the other hand, the FKTU, the nation’s largest labour umbrella organisation, tended to leave the matter to the KFCWTU or the APP¹²⁶. At that time, the FKTU did not have much interest in industrial injuries. It was not until the 2000s that the FKTU paid close attention to this issue but its activity remained in support of the APP and the KFCWTU:

There is a limitation in the activities of the FKTU. The APP is not a member organisation of the FKTU. It is an interest group. We [the FKTU] tried to access the pneumoconiosis problem but there is the FKCWTU. The FKCWTU plays only a role as an intermediary of the APP. Therefore, the problem has been solved according to personality of individuals concerned. In other words, this issue is not systemically and structurally approached by trade unions. Rather, it has personally

¹²⁵ The APP will be discussed in detail later.

¹²⁶ At present, there are two peak organisations for Korean workers: FKTU and KCTU. However, the KCTU which is armed with more progressive ideology did not exist at that time because it was set up in 1995.

been handled by some people such as Chun-Bong Hong of the APP, Tae-Sung Kim of the FKCWTU etc. (Centre for Industrial Safety in FKTU, 2002).

As with the FKTU mentioned above, it is undeniable that the miners' union, the FKCWTU, had contributed to represent and advance miners' interests. There are three activities around CWP. The first is for compensation. This started around the middle 1970s. Previously, when a pneumoconiosis patient died the regulations of protection for miners were not sufficient. When a pneumoconiosis patient died, a company which the dead person used to work for refused to provide the deceased with funeral expenses because he/she was a retired employee. Therefore, a funeral service was usually conducted with the assistance of inhabitants and colleagues. When the Labour Office refused to provide a bereaved family with survivor benefits because the dead sufferer already received disability benefits, the trade union instituted a suit against the Labour Office on behalf of the family of the dead person (Kim, 1995: 1).

The second activity of the FKCWTU is researching and making propositions to the Government. From 1976, the results of investigation related to pneumoconiosis were issued by the trade union and they were used for proposition and petition to relevant branches of the Government. As a result, the Pneumoconiosis Regulations (The Established Rule 185, the Office of Labour) was established and enforced in 1977 (Kim, 1995: 1).

The third activity is that of enactment. This activity has been written in annual reports of the FKCWTU since 1968. In 1968, documents for revision of Established Rule on Mining Safety Law and Pneumoconiosis Compensation were presented by the FKCWTU and the FKTU (FKCWTU, 1968). There has been an activity for enactment of special laws for CWP since 1979 (FKCWTU, 1979: 166-167). The

document, ‘Why should the APPPPW be introduced?’, issued by the FKCWTU (1983. 10), suggested that:

Pneumoconiosis as an incurable industrial disease. It's a malignant disease which paralyzes cardiopulmonary function and finally deprives a man of life. ... But the existing schemes in relation to pneumoconiosis are not enough to cope with these serious problems of pneumoconiosis and its sufferers, and a social problem may therefore arise in the near future. In front of this situation, the FKCWTU has tried to introduce a special law over several years in order to protect coal miners and their families and secure the society (FKCWTU, 1983: 1-2).

As mentioned above, the FKCWTU published papers which explained the economic contribution of miners, the rising trend of pneumoconiosis, inpatients for medical treatment due to complications, suicides of sufferers faced with extreme financial difficulties, cases of broken families, abandonment of studies and of children etc. Furthermore, it sent these papers to the National Assembly, the Government and institutions concerned in order to create a consensus about APPPPW enactment. On the other hand, the FKCWTU presented a petition for a special law in December 1981 (Kim, 1995: 3). In this context, the FKCWTU has maintained that its own effort has led to the creation of the APPPPW:

“The APP was just a social meeting without policy ability. They wandered from place to place without any measure. The Government didn't have an intention to meet sufferers' needs. In this situation, if we had not thrown ourselves into a matter with enthusiasm, the law couldn't have been introduced. We gathered public opinion from all social standings for making a proposal and had pressed the Ministry of Labour and the National Assembly to introduce the APPPPW. Once again, the APP didn't know how to proceed with the law making. Instead, we had had much know-how related to pneumoconiosis” (Interview with Kim, T.S.).

It is also noted that politicians played a main role in introducing the APPPPW. They were members of the National Assembly who had their constituency in mining towns or political parties who tried to pursue the

politics of legitimacy. A former Assemblyman, Kim¹²⁷ shows the politicians' contribution in the introduction. He mentioned motivation and processes of the enactment, and the role of relevant actors:

“When I became a member of the National Assembly based on Taebaek and Dogae¹²⁸ in 1981, there were lots of problems in my district. The biggest problem in this area was the problem of pneumoconiosis patients. I couldn't understand how the many problems had continued then. At the time, the incumbent president, Du-Whan Chun, visited the region by a helicopter. I introduced him into the Jangsung hospital (now, its name have changed to Taebaek Jungang Hospital). At the time, the hospital was a small one next to the police station of Jangsung and there were approximately 200 or 300 patients. Whenever the pneumoconiosis patients found the president, they cried to tell the president “help, please help”. In front of the crying the president seemed to be shocked. At this very moment, I pointed out a stream which ran just in front of the hospital. Its colour was black because of coal. And then, I said to the president that the people in this region drank the water. The president was depressed by my explanation. The president directly ordered the Prime Minister to make a plan for the district and as a result the legislation started” (Interview with Kim, J.N.).

The anecdote shows that Assemblyman Kim who changed the mind of the President played a crucial role in introducing the APPPPW. But he also recognised the trade unions' contribution. He said that trade unions had made many efforts for the introduction. However, he confirmed that if he had not been there, the special law would not have been introduced:

“Actually, I know that trade unions' executives as well as doctors had tried to legislate against pneumoconiosis. But, I realised their efforts into a law. So, if I had not had a will and had not moved the mind of the President, the law would have not been here” (Interview with Kim, J.N.).

Also, expert groups are very proud of their influence on the creation of the law. The expert groups asserted that they made the main role in the enactment and the APP and the FKCWTU followed their directions:

¹²⁷ He was a former member of the National Assembly and his electoral district was Taebaek.

¹²⁸ These areas were his electoral district.

“What did trade unionists and pneumoconiosis patients know? They had no idea about pneumoconiosis and the way to reform. So they just followed me. I encouraged them to introduce a law. And I had met officials in order to inform on the social risks of pneumoconiosis and recommended the establishment of a special law” (Interview with Cho, K.S.)

As can be seen in the statement, the professionals also claimed that they played the crucial role in the introduction of the APPPPW in terms of provision of medical knowledge, investigation on the actual condition, suggestion for legislation etc.

In the case of employers, they did not basically seem to disagree with the legislation despite little reluctance:

“I have heard that the employers fundamentally agree with its introduction. They think the introduction will greatly help the development of the coal industry. Thus, they are trying to raise funds” (Assemblyman Lee, H.K., NA, 17/12/1981).

Likewise, it seems that almost all the actors agreed in principle with the introduction and each actor asserted that the enactment was thanks only to its own effort. Who was a key player then?

Doctors maintained that they played a key role in the introduction. In fact, experts had served to give advice with special information and raise pneumoconiosis as a social problem. However, it is difficult to insist that their role was crucial in introducing the law. Dr. Yoon, who was publicly popular in this area, said: ‘From a rough draft of the APPPPW to its passage in the National Assembly, Buyoung-Yeon Kim, director in the FKCWTU, took all the trouble unimaginable. He visited me innumerable times in order to request medical points and I did the little that I could’ (Yoon, 2006: 10). Like his statement, it is clear that their role remained in consultation with actors concerned with pneumoconiosis:

“The team of Dr. Kyu-Sang Cho first accessed CWP in terms of medical treatment. But it did not contribute to policy-making. Namely it is very clear the team brought pneumoconiosis into being a social problem. But it does not mean that it participated in the policy-making process” (Interview with Cho, K.H.).

Like doctors, the FKCWTU thought itself as a main actor in the enactment. In other words, the trade union recognised and investigated pneumoconiosis, and sent the results to the Government and the National Assembly. Also, it gathered the opinions of the APP and experts and urged the Government to introduce the APPPPW:

“The APP was actually subjected to the FKCWTU. All the creatures came from the FKCWTU. It is not until now that the APP is powerful. The APP has not known industrial injuries in general and been interested just in the needs of hospitalised patients” (Interview with Kim, T.S.).

The statement may on the whole be true, as written above, but was not fully believed. This is because Korea was under the Cheon Du-Whan government from 1981-1987 which was characterised as an authoritarian regime. At that time, industrial relations were subject to Government control and trade unions were patronised by the government. In addition, it was not until the late 1970s that the trade unions recognised the problem as serious, and just at that time it did not take an active hand in the dispute.

In this context, the trade unions of the FKTU and the FKCWTU submitted proposals every year but these were recognised as perfunctory annual events and the trade unions did not affect the Government¹²⁹. In this context, the relationship between trade unions and the Government around pneumoconiosis is an example of ‘a perfunctory response against a formal demand’ (Kim, 1986: 227-228).

¹²⁹ The proposals of trade unions were submitted after the Ministry of Labour started discussions for the introduction of APPPPW (Kim, 1986: 227-228).

On the other hand, the substantial momentum of the APPPPW seems to be an effort of the APP. It was a small body and was not a legal institution at that time, but the members strongly appealed to the Government and the public. As a result, the Government and the National Assembly did not turn away from its desperate need and ardent appeal. This meant that the APP was a very influential actor in introducing the law and policy concerned:

“All the workers like miners were industrial soldiers. Why did the Government give 50 per cent more bonuses only to ex-miners with CWP. To be honest, I don’t know a logical ground. More consolation benefits had been given because the APP raised a hubbub. Because of making a terrible noise, they could receive, couldn’t them? A specific group is successful in a specific issue. Pneumoconiosis became a special agenda due to a special group, APP. This then resulted in the APPPPW. On the contrary, people with other diseases are not organised. There are the APP and the FKCWTU in the centre of the grouping” (Interview with Kown, Y.S.).

Regarding the pneumoconiosis issue, the FKCWTU seems to be less influential than the APP. The association of sufferers has put the priority on issues around CWP, while the trade union has regarded the industrial disease as passive and secondary to other issues. This is because the APP consists of people with the industrial injury whereas from the point of view of the FKCWTU, the members of the APP who left the mines are not members of the FKCWTU anymore:

“Ex-miners with pneumoconiosis are not members of the union. So it is difficult, we intervene in their issues. Only if the APP requests it can we positively work with the body” (Interview with Cho, K.H.).

On the other hand, the demands of the APP materialised as the political area reacted. The main reason why the politicians received the demands of pneumoconiosis patients is in due to the elections. This can be seen in the following part.

Administration and Parliament: Tacit Agreement without Discussion

The start of the enactment was an appeal of APP. The APP presented a petition to the Government for a special scheme in December 1980. The Ministry of Labour responded to the demand and it began an investigation into pneumoconiosis patients. As a result, the Ministry of Labour understood that the number of patients was sharply increasing annually and the existing institutions were insufficient in protecting people from pneumoconiosis and caring for sufferers. Therefore, the Government thought that special measures should be taken.

The APP with the FKCWTU's help also submitted a petition to the National Assembly in August 1981. The petition was sent with the guarantee of Assemblyman Hun-Ki Lee (FKTU, 1982: 68; Journal of APP, 1995). Assemblyman Lee stated the meaning of the APPPPW as follows:

“The number of miners with CWP amounts to seven thousands and is increasing. This is because working conditions are poor and facilities are not enough. This leads to a serious problem of livelihood. However, the existing laws, the Labour Standard Act, the IACI and the Health Regulations etc. are not enough to protect miners with CWP. So I would like to ask to introduce a special law” (Statement of Assemblyman Lee, H.K., NA, 17/12/1981: 14).

However, the National Assembly postponed a decision on the proposal because the session did not remain enough (Statement of Assemblyman Hun-Ki Lee, NA, 17/12/1981: 14). The APP also submitted the petition to the parliament in March 1982. In this situation, the FKTU and the FKCWTU proposed their opinions regarding a special law to the Government and the National Assembly in August and September 1982. These reports maintained the importance and necessity of legislation (FKTU, 1982: 68):

Firstly, pneumoconiosis is a fatal and unavoidable disease and the number of sufferers reached over 7,000. Morbidity rate is almost 13%.

Secondly, despite being industrial soldiers, the miners with pneumoconiosis are ousted from their workplaces and are furthermore given insufficient medical treatment and compensation. As a result, the sufferers and their family are living in difficult economic situations without measures for living.

Thirdly, a special law is also necessary in terms of the industrial aspect. In other words, there will be a labour shortage because of industry expansion and development after the late 1980s and, in particular, the phenomenon will also appear in the mining industry. Therefore, the legislation is inevitable in terms of labour shortage as well as fuel measures and fuel provision in mining industry.

Therefore, trade unions put forward the claim that ‘if a special law is not introduced, this will depress miners and their families and they will not contribute to economic development anymore. In addition, there will be an extreme backlash, a weakening control of the trade union on miners, social unrest and political distrust’ (FKTU, 1983: 88-89). Ahead of the postponement of legislation, the FKCWTU established the Special Law Initiative Committee (30 June 1983) and pushed forward this business as the major goal (FKCWTU, ‘Appeal for the APPPPW’, August 1983).

On the other hand, the APP vowed that if a special law did not pass in this session of the National Assembly, it would try a collective action of refusal; the HPP first, then a refusal of medical treatment, then a demonstration (FKCWTU, 1983: 150-151; 1984: 221-222). The APP set up a permanent body for the legislation in March 1983 and held meetings on countermeasures between the APP and the FKCWTU. The APP also proposed its opinion to the National Assembly in April 1983 and visited the institutions concerned such as the ruling party, the Korea Coal Association, the Ministry of Labour, the MOHSA, the Health and Social Affairs Committee of National Assembly etc.

During these efforts by the APP and trade unions, the Government presented a plan for legislation in October 1982. The Ministry of Labour had investigated problems around pneumoconiosis and set a target of legislation.

On the other hand, almost all the members of the National Assembly seemed to agree with the legislation. Some assemblymen, including Assemblyman Lee and officials of the Government, visited underground workplaces at the Jangsung Colliery and the intensive care units of Jangsung Hospital in which the sufferers were. They reported their activities to the Health and Social Affairs Committee and the National Assembly held several public hearings (Kim, 1995: 4). Thus, the National Assembly seemed to decide the legislation around November 1982 but its realisation was postponed because the ruling party wanted to legislate it as part of its general election pledges. As soon as the National Assembly postponed the legislation project, the Ministry of Labour continued to search for an alternative to the pneumoconiosis policy (Kim, 1986: 226).

A critical event in the legislation was a policy coordination meeting between the Government and the ruling party, the Democratic Justice Party, on 4 April 1984. After the meeting, the ruling party announced that it would submit a bill to the upcoming regular session of the National Assembly. With regard to the contents of the bill, the party did not have a consultation with the Ministry of Labour but made full use of the end product of the Ministry of Labour. Likewise, the proposal of the ruling party was issued in the context of the 1985 election (Kim, 1986: 227).

The bill submitted was discussed three times in the Health and Social Affairs Committee, which was the National Assembly Standing Committee concerned, in 1984 (28 November; 4 December; 13 December). The first meeting examined 'the Discussion Paper on the

Prevention of Pneumoconiosis and Protection etc. of Pneumoconiosis Workers' (Proposers: 61 Assemblymen. except Assemblyman Sim, M.B., Kim, J.N., Kim, J., Son, C.M.) (NA, 28/11/1984).

Shin, S.K., director of the Labour Standard Department in the Ministry of Labour who attended the session as a reference, told of the necessity for the legislation to focus on the disadvantage of pneumoconiosis patients in the existing law:

"Pneumoconiosis patients have not won in litigation. This is because most of the employers do not admit their mistake in industrial injury, do not recognise working careers of ex-miners with pneumoconiosis in their workplace and are busy in trying to pass the responsibility to ex-miners by saying, "miners don't wear a mask although we have educated them". In this situation, there are a few cases of civil suit. So a way, replacing civil suit is very necessary to protect pneumoconiosis patients" (NA, 28/11/1984).

In this context, the bill submitted said its purpose was as follows: 'to contribute to the protection of workers' health and the promotion of their welfare by intensifying the prevention of pneumoconiosis and the control over the health of workers engaged in dusty work, and by providing matters concerning the payment of consolation benefits to any worker suffering from pneumoconiosis'. According to the bill, this would be carried out by the Ministry of Labour but that the funds should be raised by employers in the coal industry (NA, 28/11/1984: 9).

At first the proposal was examined in the subcommittee of the Health and Social Affairs Committee of National Assembly, and next was discussed in the 15th meeting of the Health and Social Affairs Committee which the minister of the Ministry of Labour attended (NA, 4/12/ 1984: 3). The bill submitted sailed through the meeting almost intact. Thus, the discussion ended in a short time. There was the 16th meeting in the afternoon but there were no different opinions. The bill was finally passed

without a great dissenting opinion in the 16th meeting on 13 December 1984 (NA, 13/11/1984: 20).

As can be seen above, from the submission of the proposal to passage of the law, there was no heated controversy and the original contents of bill were kept because there was no difference, except a slight difference of opinion regarding the bill's scope of application. The consensus on the bill, likewise, was easily made because all the members of the National Assembly recognised pneumoconiosis patients as the most vulnerable social stratum and regarded this scheme as a political strategy in front of the soon coming election.

Turbulence and Distrust around APPPPW

Pneumoconiosis patients have been compensated by the APPPPW. However, the APP and others have tried to advance its benefits and there have also been conflicts among relevant bodies and associations around the adoption and revision of the APPPPW. At present, there is much distrust against pneumoconiosis institutions and between actors. This will be discussed in this part, focusing on the relationship between these actors.

Two Patients and Three Organisations

The main actor in compensation politics are the organisations representing pneumoconiosis patients. There are three organisations in accordance with their interests. In order to understand their organisational division, two kinds of pneumoconiosis patients and their different situations should be described.

As mentioned above, pneumoconiosis patients who do not go into hospital are different from others. Whether they go into hospital or not is

the difference between SPPs and HPPs. In other words, due to hospitalisation, SPPs and HPPs are in different situations and have different needs. This divergence comes from the fact that pneumoconiosis patients hospitalised with complications are entitled to benefits for suspended work, or work replacement benefit, as well as medical therapy called medical care benefit.

In contrast, SPPs who are not in the hospital cannot receive the work replacement benefit and much less medical treatment. Furthermore, the social safety net is not well enough established yet for the aged and people with disabilities, and a majority of SPPs are not included in the qualified groups who benefit from government subsidies under the National Basic Livelihood Protection System. This is because the qualification condition of the system is complicated, so it is difficult for SPPs to receive it in reality. As a consequence, most of them cannot enjoy a decent life in economic terms and they are under the minimum standard of living.

What makes the difference between a SPP and a HPP? As discussed above, the best benefits of pneumoconiosis patients are from the APPPPW and the condition qualified to it is whether they have complications or not. Likewise, the existence of complications is very important to pneumoconiosis patients for their living expenses and life. Therefore, it can readily be imagined that some pneumoconiosis patients sometimes try to get disease complications:

“Pneumoconiosis patients are a humble figure. They try to catch a disease for medical treatment and living expenses. They can go into hospital and get money with complications. Really, really it’s a sad fate” (Interview with Jung, H.Y.).

“Pneumoconiosis patients are afraid of curing their disease. So they even tend to be negative in medical treatment. Although a disease is overcome, they seem reluctant to believe in the fact” (Interview with Jeon, K.J.).

In this context, HPPs do not tend to want disease to get cured while SPPs try to be diagnosed with a disease to get hospitalised. The problem is that the two groups of pneumoconiosis patients have the wrong belief: ‘SPPs’ belief is that they certainly have complications while HPPs believe that their complications as well as their pneumoconiosis is incurable’. What the belief means is that because all the pneumoconiosis patients have complications related to pneumoconiosis, this disease cannot be cured and they should be in hospital. In other words, because of this belief, HPPs cannot accept their discharge from hospital. Therefore, they try to stand together against the Government to order them out of hospital and the APP has played the role for the sake of its members.

With regard to the patients’ organisations, there are three for pneumoconiosis patients: APP, Association of Korean Pneumoconiosis Patients, Association of Simple Pneumoconiosis Patients (b) (as can be seen in Table 5-2). The APP was first created in 1979 and recently the Association of Korean Pneumoconiosis Patients (hereafter AKPP) was created to respond to the need of SPPs. Subsequently, the Association of Simple Pneumoconiosis Patients (hereafter ASPP) (b) was also established against the AKPP.

The APP is basically a voluntary association created by pneumoconiosis patients. It was set up in June 1979 by a few pneumoconiosis patients who were retired in order to overcome economic difficulties on a basis of reciprocity. Namely, it started as a friendly association (Kim, 1995: 1): ‘This association aims to promote friendship among members and advance social welfare for pneumoconiosis patients’ (APP, 1995, ‘Articles of Association’, Article 2). The body was perceived as a social organisation by the Ministry of Labour in 1986. The APP has been supported in finance and a building by the Government and the local government. The APP has been managed by a membership fee and a

subsidy of the Government (Journal of APP(1), 20 May 1995; Chun-Bong Hong, 1988).

Table 5-2 Associations of Pneumoconiosis Patients

	APP	AKPP	ASPP(b)
Establishment	1979	2004	2005
Structure	28 Hospital Branches, 24 regional branches	Just existence of head quarter in Taeback	
Number of member (by their insistence)	3,300 of HPP, 30,000 of SPP	1,000 persons	
Purpose	For PP in general	For SPP	For SPP
Others		Renamed from ASPP(a) to AKPP(2005)	Under the guardianship of APP

The APP has 23 branches based on relevant hospitals and 23 branches based on regions. The former is related to HPP whereas the latter is SPP. It issues a journal titled ‘The news of APP’ every month. APP has worked for PP through activities such as policy, consultation, education, public assistance etc.

The APP is basically an organization for pneumoconiosis patients, but the APP tends to work for HPP (Won et al., 2008: 56). This is because HPP pay their membership fee to the APP whereas SPP do not. There is a kind of food chain between HPP and the APP. The APP plays a role in that HPPs can remain in hospital while the patients pay a membership fee. As a result, HPPs can continue their hospitalization owing to the tacit contract between them. Contrary to this, SPPs cannot pay the membership fee because they are poor and have a distrust of APP. In addition, it is difficult for the APP to collect dues from SPPs because they are not organised very well. As a result, the APP tends to become an organ of the HPPs unlike its appearance.

The AKPP was created by pneumoconiosis patients who criticised the incumbent president Jung's behaviour, such as the authoritarian administration of the APP, corruption, the representation of only hospitalised patients. Owing to these reasons, they established a new organisation named 'The Association of Simple Pneumoconiosis Patients' (ASPP(a)) in 2004. The name means that the association mainly stands for the activities of the pneumoconiosis patients at home without benefits, compared with the APP which is based on the hospitalised pneumoconiosis patients.

Its creation caused the APP embarrassment despite its small members (City Hall of Taebak, 2006). There are many reasons; firstly, the entrance of ASPP(a) means that a competitive organisation appears. In addition, it means that the APP can be exposed to the menace of survival because the organisation is losing legitimacy these days. Secondly, the APP doubts there is someone behind the ASPP(a). In reality, the inventor of the ASPP(a) is Won, the president of the Association of Social Welfare in Taebak (hereafter ASWT). Won stated that:

"The APP is too corrupt and is a kind of organisation only for HPP and its executives. I therefore discovered a way of dismantling the APP. It creates a true organisation for pneumoconiosis" (Interview with Won, E.H.).

The ASPP (a), as can be seen in the name, is an institute not for HPPs but SPPs. The ASPP (a) is not yet a great influence. Its numbers are estimated at approximately 1000 and the member qualification is confined to SPPs. This means that the organisation is weak because SPPs have no ability to pay a membership fee. Nevertheless, the potentiality cannot be disregarded due to relative superiority in the area of morality and legitimacy. In addition, if the ASPP (a) becomes a legal body, it can also receive financial assistance. It means the political terrain may change

dramatically. In 2005, ASPP (a) changed its name to the AKPP. The new name can be understood as the new association would like to challenge the APP. This is because its target membership is the same as that of the APP. Hun-Young Jung, president of the APP, expresses grave concern:

“That association aims at killing us. It is writhing and struggling to make pneumoconiosis patients its members. It would like to change its name from the ASPP to AKPP. This shows the organisation is absolutely against us” (Interview with Jung, H.Y.).

How is the third organisation explained in 2005? It seems to be another mystery that the organisation calls itself by the same name as the second organization, ‘the ASPP (b). This is because the new association was directly founded by the APP. Eung-Whan Ju, president of the ASPP (a), criticises as follows:

“There is only one in his [Hun-Young Jung] development. It’s a fraudulent practice. I don’t believe in him. I cannot believe although he says with this ballpoint pen, “it’s a ballpoint pen”. The Government shakes its head against the APP. The APP tries to set up an association which is the same name as ours, so he tries to terminate us. We are determined to fight to the last against the plot of the APP. That side builds up a slush fund through the intervention of post mortem examination and hospitalisation, and membership fees” (Interview with Ju, E.W.).

The APP wanted to check ASPP (a) and its intention led to a creation of a competitor organisation. In reality, the ASPP (b) put its Headquarter within the building of APP. In the interview with the president of ASPP (b), he confessed the conspiracy relationship with APP:

“I hope only to follow president Jung’s guideline because it’s true, whereas Ju (who is the president of ASPP) is false” (Interview with Kim, M.K.).

The ASPP (b) recently exists as a bogus body. Therefore, there is hardly any activity. In contrast, the AKPP and the APP competitively work in all fields. While the APP is still based on HPPs, the AKPP preoccupies social agenda and plays an active part in the area of social welfare for SPPs.

Relationship among Groups around Issues in Dispute

In addition to the organisations of pneumoconiosis patients, there are many organisations around pneumoconiosis patients, the ASWT, the Government, trade unions (FKTU, KCTU, FKCWTU), doctors, researchers, politicians etc.

The ASWT as a civic group is a nongovernmental organisation run by a church.¹³⁰ The ASWT has concentrated on only the poor SPPs. After the ASWT knows their difficulty in life and mind, it has tried to advance their life condition by its welfare activity. For example, it has established the Centre for Industrial Disease Management in Mining since 1991 with aids from the EZE of Germany and run many programmes such as a survey of SPPs, free physical examinations, education against alcohol and smoking, regular lectures on health, research and a publication on pneumoconiosis etc. In addition, the ASWT has carried out residential care programmes for SPPs since 1995.

The ASWT has tried to contact the Government and the APP in order to promote welfare for pneumoconiosis patients. In this process, the ASWT has experienced a struggle with the APP and the Government. This is because the basis and interests are different; the ASWT is based

¹³⁰ It was rooted in the Association for Christian Social Welfare of Miners' Town, established in 1984. The ASWT defines itself as a Christian welfare organisation for coal workers, their families and pneumoconiosis patients, the elderly and the poor in miners' towns.

on SPPs whereas the APP is closely related to HPPs. With regard to this, Eung-Ho Won, president of the ASWT, said:

“The APP is just for HPPs. This body is actually not interested in SPPs. Furthermore, it is the biggest obstacle in creating comprehensive institutions for SPPs. Thus it’s unavoidable to fight with the APP for the rationalisation of the pneumoconiosis system” (Interview with Won, E.H.).

In this case, the Government, ‘the IACI Section’ in the Ministry of Labour and the Korea Labour Welfare Cooperation, are in charge of the problem in relation to pneumoconiosis. They try to conduct research on the actual condition of pneumoconiosis patients and gather the opinions of researchers and organisations concerned. They have enacted and revised the pertinent law and have shaped a policy about pneumoconiosis patients on the basis of these investigations.

The APP tried to have a close relationship with the government. However, the Government had some critical perspectives on the APP. For example, the Government has regarded the APP as a pressure group with excessive demands and a trouble maker regarding medical treatment:

“It’s a big problem that the patients all are just lying in a hospital bed. Namely, they refuse to become outpatients. I think if a patient stays in hospital over three months it’s abnormal. Because complications related to pneumoconiosis can be curable in this period. If I say like this, a war will break out. In fact, even the FKCWTU is raising a question ‘why should family of patients be in hospital?’ The main reason why they intended to be in hospital is that, they believe, they will soon be discharged if the type of medical treatment from hospitalised patients to outpatients is changed. ... The APP is mostly responsible for this distorted structure. ... On the other hand, there is collusion between doctors, hospitals and patients. The structure brings over treatment. The APP is on the centre of this collusion structure. These above structures must be collapsed. This means the APP becomes a more rational body” (Interview with Kwon, Y.S.).

Nevertheless, the Government has had a good or close relationship with the APP despite this negative point of view. In other words, the coalition of the Government and the APP has been strong despite some struggles. This is because officials who are in charge of the IACI in the Ministry of Labour do not want that the problem during their tenure of the department.¹³¹ In the view of the official, this relationship is comfortable because a good relationship with APP makes the pneumoconiosis issue quiet. In addition, the APP is a better partner than other actors to the officials. For example, trade unions are more difficult partners than the APP. In the case of the ASWT, the organisation has a weak influence and is not related to HPPs who have strong power.

Up to now, the APP and the Government seem to be in close cooperation. However, the bribe event related to the APP and the establishment of AKPP makes these firm relations doubtful and the APP is realising that it is in danger.

On the other hand, politicians had not been interested in this issue because pneumoconiosis was an industrial disease which existed in the past and the sufferers do not seem to give any help to politicians. However, since the pressure groups were created and trade unions were concerned about the disease, politicians tend to have watched with deep concern as far as it influences elections. In particular, politicians in some electoral districts where many sufferers live, for example Taebaek, Sabuk, Jungsun etc., have been concerned about pneumoconiosis and its sufferers. However, it is noted that the concern is restricted to some districts of coal towns in the past where ex-miners and pneumoconiosis patients live. Thus, politicians just express interest in specific periods of election and the interest is just temporary and arbitrary.

In addition to these organisations, trade unions have also been related to pneumoconiosis patients and their organisations because they

¹³¹ An official in Korea usually moves to another section in 2 years.

were its members in the past and there are still miners in some mines today.

There are two umbrella trade unions, FKTU and KCTU in Korea, and one miners' organisation, FKCWTU. The KCTU is more militant and left-oriented while the FKTU is right-wing. But the KCTU has been influenced by pneumoconiosis patients because the trade union was organised in 1995 when most mines disappeared and the FKCWTU belongs not to KCTU but FKTU. Therefore, most pneumoconiosis patients were not members of the KCTU:

“The pneumoconiosis issue is being touched only by the FKTU. There are no members of miners' unions in the KCTU. Basically it is structurally difficult because the KCTU draws attention to pneumoconiosis. This corresponds to the Democratic Labour Party which is based on the support of the KCTU” (Interview with Cho, K.H.).

“There is little leeway to intervene in the problem. The APP and the FKCWTU doesn't want us handling this problem. On the other hand, the FKCWTU and miners were not a member of our unions. In fact, there is not much motivation for us to intervene” (Interview with Kim, E.G.).

The FKCWTU as an industrial union in the mining industry has been interested in pneumoconiosis patients more than the FKTU. However, both are less active than the APP. This is because pneumoconiosis patients are not members of trade unions. More fundamental reasons why these unions are passive in activities for pneumoconiosis patients are that the APP is as obstinate as a mule and does not want the unions' intervention:

“The sufferers' association has an allergy to the rationalisation of medical treatment system. The APP wants the existing system to continue. So it's very careful that we intervene. When the APP calls us some help just about a specific issue we can cooperate with the body” (Interview with Park, C.C.).

“The APP becomes a too bulky organization. It’s hard to communicate with the members of the APP. It upsets us and criticises all, regardless of our president or an assemblyman. The members go through fire and water for their sake. In this situation, who would like to touch the body and its persons? They are very older people and have deaf ears” (Interview with Cho, K.H.).

As has been discussed, the main actors in Korean politics are the APP and the Government. The APP on behalf of pneumoconiosis patients mainly focusing on the interest of HPPs became a key compromiser in political bargaining with the government, whereas trade unions and political parties keep their distance from welfare politics in the area of pneumoconiosis. As a result, the politics becomes too narrow only for a patient group and Ministry of Labour.

Compensation Politics for Reform in Income and Hospital Treatment

In this part, the recent compensation politics will be examined, focusing on the reform and rationalisation of income and hospital treatment. The general reform of the pneumoconiosis system has been tried in the area of several points at issue¹³² such as the expansion of the scope of complications, the creation of the disability degree of 13, and the provision of living costs.

With regard to complications, relevant groups want to add other diseases to the list of complications in addition to the existing eight diseases:

It is widely accepted in the medical profession that the contraction of pneumoconiosis can easily lead to lung cancer, stomach cancer, and liver cancer. In addition, pneumoconiosis is often accompanied by

¹³² The main points which are submitted by the FKCWTU in dispute are as follows (Kim, 2001: 55-70; FKCWTU, 2001.2: 3-9): expansion of extent of complication, creation of 13 degree in disability grade, livelihood protection of pneumoconiosis patients, expansion of medical treatment, expansion of scholarship of sufferers’ children, application of APPPPW into industrial injured workers, provision of living expenses etc.

hypertension, apoplexy, arteriosclerosis, liver cirrhosis, diabetes, cancer of the oesophagus. Therefore, this disease should be included in complications (FKCWTU, 2001. 2: 3).

Of the diseases which should be added to the list of complications, pneumonia was noted as the most important disease. In other words, pneumoconiosis patients and the groups concerned asserted that pneumonia should be included as a subject of medical treatment:

Pneumonia is a terrible disease which puts pneumoconiosis patients to death. In particular, it is very horrible and fearful disease to the SPPs who don't have opportunity of medical treatment. The SPPs who have low immunity, unlike the public, easily contract pneumonia with a slight cold... Pneumonia should be included in complications (ASPP (a), 2004: 4).

On the other hand, the existing institution divides the disability rating into six grades: 1, 3, 5, 7, 9, and 11. Pneumoconiosis patients and relevant organisations maintain that the disability rating must be added to the 13 grade. This means the coverage will be accepted as pneumoconiosis is expanded. Lastly, the provision of living expenses means that a supplementary living allowance is provided for SPPs or patients who end medical treatment.

The above suggestions are all related to income maintenance, especially focusing on SPPs. In other words, it is natural that the support of living expenses and the expansion of disability grade are for SPPs and that the expansion of complications to pneumonia leads to the medical treatment and income maintenance of sufferers, especially SPPs.

As a response to these demands, the Ministry of Labour announced a plan for pneumoconiosis: 'The Comprehensive Countermeasures of Pneumoconiosis' (2001.9). This plan seems to accept most of the demands:

Expansion of the complications in relation to pneumoconiosis: from the existing eight kinds of complications to ten kinds of complications including pneumonia and mycobacterium. The research is under study.

Expansion of the disability grade of 13: the research is under study.

Examination of the provision of living expenses to SPPs and patients living in hospital at the minimum cost of living level of the National Basic Livelihood Protection System: 286,000 per person, 482,000 for two people, 667,000 for three, 842,000 for four (MOL, 2001.9: 5-10).

The Government expects that this scheme will work in three dimensions of effectiveness: 'Firstly, as a contribution to social integration because of the alleviation of a feeling of uneasiness and frustration; Secondly, by decreasing the expenditure in medical treatment by the rationalisation of hospital treatment; and lastly, by establishing mutual trust between The Welco, hospitals, sufferers' (MOL, 2001.9: 15).

All the claimants welcome this with open arms. The FKTU suggested organising an action committee to consist of trade unions, the APP, the Government, and experts in order to promote this plan (Kim, 2001: 46-47). This suggestion seemed to be useful but there was no body to be established for this discussion. This was because the Government didn't have much will. The Government just mentioned that the plan was under study and was being examined.

Finally, the Government's third item which seemed to be very important to the income maintenance of SPPs was not welcomed, whilst the first one was completely received. With regards to the second item, only atypical mycobacterial infection was added as one of the appointed complications. In other words, pneumonia which was the main cause of death for sufferers was not accepted. In the case of atypical mycobacterial infection, there have been two pneumoconiosis patients who had contracted this complication. Therefore, the expansion of complications was criticized as trying to deceive by transparent guile (FKTUCIS, 2002: 8).

Regarding the three items which may mark an epoch in income maintenance for pneumoconiosis patients, the will of government seemed to be very weak. Incumbent director, Young-Sun Kwon, who replaced Wan-Young Lee who was a director at that time, says:

“Accidents at Wongin Rayon Co. and pneumoconiosis of industrial diseases in Korea have been treated with special interest. Why have we specially paid attention to and cared for these diseases and these sufferers compared with others? I think these things are not so much special things as agenda based on collective action ... It is quite out of the question that Wan-Young Lee [former director of the Ministry of Labour] tries to provide pneumoconiosis patients with 400,000 won per month. Where can it be from? ... This means that the Government gives all of the ex-miners money. It's very silly” (Interview with Lee, Y.S.).

Up to now, the demand for income maintenance from the APP and trade unions has continued. As can be seen in this discussion, ‘The Comprehensive Countermeasures of Pneumoconiosis’ of the Government does not contribute much to guaranteeing income maintenance.

On the other hand, there had been a controversial issue surrounding the rationalisation of hospital treatment. Most of the pneumoconiosis patients hospitalised are long-stay patients. There are 5.1 % (144 persons) under 1 year, 29.6 % (837 persons) from 2 to 5 years, 49.9 % (1,409 persons) over 5 years. The rate of long-stay patients with pneumoconiosis is higher than those with other diseases.

There are several reasons for the high number of long-stay patients with pneumoconiosis. One of them is that the sufferers strongly want to stay in hospital. This is because there are many benefits for sufferers such as shutdown benefits (70% of the average wage), medical benefits, survivor benefits etc. (MOL, 2001.9: 3; FKTUCIS, 2002: 8-9). On the other hand, pneumoconiosis patients tend to be reluctant to become outpatients, although they can receive shutdown benefits and medical treatment like hospitalised patients. This is because they believe

that becoming an outpatient is a step towards ending their medical treatment. In particular, they believe that it is very difficult to receive survivor benefits in they leave the hospital (MOL, 2001.9: 4).

The other reason, which is more fundamental and important in explaining the long-stay patients, is the fact that the APP has systemically prevented them leaving hospital. The APP can receive membership fees and preserve its organisation based on HPPs. On the other hand, HPPs want to be protected by the APP in return for paying the fees. In other words, there is a kind of conspiracy relationship between the APP and HPPs. The APP prevents the end of hospital treatment for HPPs, and in return for protection, HPPs support the APP with their loyalty and membership fees. In this context, the APP and HPPs have refused to examine hospitals and long-stay patients.

In addition, the hospitals with the long-term patients are also responsible for the behavior of the patients. The long-term patients make the hospitals many profits. Therefore, they are trying to attract pneumoconiosis patients. For this, the hospitals, one the one hand, tend to fawn over the APP and on the other hand convert wards into accommodation-like rooms according to the demand of patients (FKTUCIS, 2002: 9):

"There is a conspiracy structure between hospitals and patients. It results in over treatment. The APP intervenes in this structure and strengthens this structure. The hospitals tend to meet the requirement of the APP and even provide funds. The structure should be resolved"
(Interview with Kown, Y.S.)

This situation tends to make it difficult for SPPs to go into hospital. This is because the fund for pneumoconiosis is limited and the Government does not accept hospitalised patients to some extent without a strict examination. Therefore, it is expected that there may be distrust and

disagreement between HPPs and SPPs, and between the APP and others.

This can be understood in the statement of the AKPP's president:

"Complications can usually be cured in three months. But a patient went into hospital twenty years ago and now receives four million per month in shutdown benefits. Because of this person, the really humble person with pneumoconiosis cannot go into hospital. By the way, there are no statistics about this reality. Is it the Government? It's time to examine closely HPP. Based on this survey, the Government forces fake patients to leave hospital and the genuine to go into hospital" (Interview with Ju, E.W.).

Most organizations, except the APP, that is the Ministry of Labour, the AKPP, and expert groups, demand the rationalisation of hospital treatment. For example, the FKTU argues:

50 per cent of the patients are long-term patients over five years and recently there is no discharge from hospital. It's really abnormal although we consider special treatment of pneumoconiosis (FKTUCIS, 2002: 9).

Based on this consciousness, the FKTU maintains that the Government should search for an alternative for 'hospitalised patients to outpatients' (FKTUCIS, 2002: 12).

The Ministry of Labour tries to change the belief that 'medical treatment out of hospital is a step towards ending medical treatment' and aims to get rid of the usual practice in hospitals that 'the hospital is reluctant to order patients out of hospital for its profit'. In addition, the Government examines that 'survivor benefits in the case of SPPs can be accepted, except the cases of accidental death such as a traffic accident, and the Government considers providing pneumoconiosis patients leaving hospital with their cost of living (MOL, 2001.9: 8-9).

In the same context, specialists have criticised the APP. From their point of view, long-term hospitalisation is irrational and therefore research on the actual state should be conducted as a previous step of

reform. However, these efforts of rationalisation are frustrated due to the great reaction from the APP:

“The APP and HPPs tend to recognise the rationalisation of hospital treatment as a kind of notice of death. So they are always nervous and have prepared for resistance against any trial for rationalisation. They have collected funds for demonstration. They always tell me “Dr. ... we believe in you. You are our friend. Could you protect their conspiracy?” (Interview with Jeon, K.J.).

The logical basis on which the APP is based is that complications related to pneumoconiosis are incurable, unlike with other patients (Hun-Young Jung, Interview PP1). Therefore they take it for granted that they stay forever in hospital. In this context, they assert that hospital facilities and programmes should be established for long-term patients:

“It is generally accepted that pneumoconiosis is an incurable disease. If hospitalised, they must stay in hospital until they stop breathing... An existing ward for us is very small and stuffy. There are six or seven beds with fridge, TV, clothes chest etc. It's a present situation there is no space for a nurse even to sit down. Our room in this hospital is a kind of prison rather than a ward for medical treatment... It's time to change it to a facility for medical treatment” (Jung, 2003: 5-6).

The APP strongly asserts the maintenance of the status quo. In this position, it criticises all the trials to change present conditions under the name of rationalisation:

“The APP dislikes any survey on the actual conditions of pneumoconiosis patients themselves. It said “why does it examine pneumoconiosis patients who live happily in hospital?” In fact, it thinks, “the survey is not favourable to us”. So it has refused any examination under the name of rationalization” (Interview with Cho, K.H.).

The following events show how strong the resistance of the APP is. These cases are trials related to research on the actual conditions of HPPs. The first case was conducted by professor Young Lim at the Industrial Health

Medical Science Catholic University in Korea. She received a project from the Welco titled ‘A Project for Management System Rationalisation of Pneumoconiosis Patients in Hospital’ in November 2002. According to this project, she tried to investigate the factual conditions of pneumoconiosis patients and their hospitals. However, the survey could not be conducted because the APP prohibited her from carrying out this survey. It understood that the survey was for forced discharge from hospital. Jung, president of the APP said:

“If pneumoconiosis patients in hospital are taken out of hospital they will die in six months. Nonetheless, if they are forced out of hospital, we desperately fight against this conspiracy” (Nodongilbo, 19/11/2002).

In fact, professor Lim seemed to stimulate the APP. According to the Nodongilbo, she announced her direction to reform in ‘the Specialists’ Meeting’ of 24 December 2002: ‘the restructuring of long-term patients over 5 years, the reform of hospitalisation-oriented medical treatment system, the strengthening of medical institution’. These are the items that the APP hates. In front of a strong protest against the APP, Prof. Lim set about uncovering the truth: “The paper absolutely gives wrong information. My project is not for the reform of medical treatment system but to understand the management situations of hospitals” (Lim, Y., 25 November 2002). However, the APP and its members did not believe her statement. The next day, the APP declared inflexible determination for fighting (Nodongilbo, 25 November 2002). The protest was for two nights and three days in her hospital run by the Catholic University for which Prof. Lim works. Finally, she openly apologised to the APP and the patients and the protest ended.

The second case was in 2005. Dr. Baek who majors in medical science is a well-known professor in the industrial health area. He had been interested in pneumoconiosis and had been familiar with the relevant

people within APP. However, his misfortune started in the interest of rationalising pneumoconiosis medical treatment. He had a critical opinion of irrational care in hospitals and sympathy for the pitiable conditions of SPPs. He finally received the project to rationalise the hospital system for pneumoconiosis patients from the Ministry of Labour in 2005. There is no doubt that the APP strongly resisted the project.

Ahead of this protest from the APP, the Ministry of Labour recommended he stop the presentation of the research result but he tried to put forward it. The members of the APP tried to prohibit the presentation by throwing eggs in a symposium to Dr. Baek and the project was cancelled. Due to this affair, Dr. Baek has been separated from APP and he is still angered by APP's behaviour.

On the contrary, the AKPP supports Baek's research and it says that the results of his work should be published and used for real reform:

Dr. Baek's research was stopped on the way because of a demonstration by a specific association. This study should continue and be embodied into real policy (ASPP (a), 2004: 5-6).

As can be seen, all rationalisation failed. This is because the APP, firstly, has continued to be a stubborn resistance, and secondly, the Government didn't have much will power against the APP. Therefore, the reform has not conducted systemically.

Compensation Politics of Corruption and Distrust

As can be seen above, hospitalisation absolutely makes pneumoconiosis patients different in terms of income and medical service. Thus, the decision as to whether pneumoconiosis is a prescribed complication is very important to the sufferers. The importance leads to a dispute around the decision. In other words, because of the distrust of the decision and

the decision process, pneumoconiosis institutions and policies have been doubted and criticised.

For a long time, pneumoconiosis patients have had doubts about the medical decision criteria and suspected that the decisions depends on bribes and relations with pertinent people or an institute, such as a doctor, officials, the APP. In this context, SPPs believe that hospitalisation depends not on whether or not patients have complications but whether or not they have money for a bribe or know relevant people such as doctor, executives of the APP, politicians etc. Pneumoconiosis patients have repeated this assertion with a firm belief. The AKPP which was established against the APP said:

“The APP has built up to use a slush fund. I quarrelled with the director of Insurance Reform Team in the Ministry of Labour. “Are you clean?”, “Did you get the fund from Dr. Jung and the APP?”, “Are the institutions innocent in this area?” They all may be bribed by the APP” (Interview with Ju, E.W.).

In this situation, the event named ‘A Scandal of Medical Treatment Judgment of Pneumoconiosis Patients’ took place on 23 August 2004. The outline was that Dr. Jung who was the chairman of ‘A Judging Committee of Pneumoconiosis’ received money (about 48 million won) on condition that he granted an illegal request from Jung, S.Y. etc. who acted as a broker. The detailed story is as follows:

“The suspects in this event, Jung, S.Y. gained access to patients and told them that if you spend money, you can go into hospital. The money would be used as a bribe to Dr. Jung in order to receive judgment of complications. In reality, Dr. Jung who received a request of Jung, S.Y. with the bribe judged that many persons to be introduced by Jung, S.Y. had a complication relating to pneumoconiosis. However, the problem was caused when Jung, S.Y. did not return the received money to a person who gave money in order to receive the judgment of complications but was not be judged as a patient with a complication by Dr. Jung. Despite receiving money from Dr. Jung, Jung, S.Y. did not return the money to the malcontents due to the casino. Rather, Jung, S.Y.

who needed more money finally threatened Dr. Jung with disclosure of taking the bribe, and Dr. Jung who became unbearable went to the police by himself in order to confess his crime” (Interview with Shim, Y.B.).

The above story was ascertained by a police investigation. Besides the event, there were other events related to Dr. Jung. As a result, three people, except Jung, S.Y., were sent to jail; two ex-vice-presidents of APP and Dr. Jeong. Dr Jeong and the APP have been at the centre of the news.

In these events, the fact that the leading members of APP were connected to the bribe crime came as a shock. What the former vice-presidents of APP being placed under arrest shows is that the APP has been connected to the bribe event. In addition, it has been suspected that the president of APP may have been involved with bribes for a long time. In reality, anonymous letters divulging his embezzlements have not ceased and the police have investigated him several times.

“The organisation’s centre is the president and the president is therefore the heart of the bribe crime. Nevertheless, only two vice-presidents were imprisoned” (Interview with Won, E.H.).

As shown above, regardless of whether the present of APP is implicated in the bribery case, it is an obvious fact that most actors concerned have been related to corruption.

4. Pattern of Compensation Politics

Based on the above description, there are some differences between the IACI and the APPPPW with regard to the level of content. There is no

doubt that the IACI contained a very limited level of compensation and coverage. In other words, it did not cover small workplaces where more serious accidents occurred. The level of compensation was also relatively low compared to the severity of the accident. On the contrary, the APPPPW compensates at a better level. It means that ex-miners with pneumoconiosis receive higher levels of benefits than injured workers with other industrial diseases. This is due to the introduction of the relevant scheme, APPPPW. How is this possible? This is because of compensation politics. Therefore, there will be examination and assessment of compensation politics in the introduction of IACI and APPPPW.

First of all, we need to examine the differences in compensation politics between the two schemes. Regarding policy participation, businesses and trade unions were not involved in the policy-making process for the IACI. In fact, experts in the Government mainly planned to legislate for injured workers. Even trade unions as well as employers were negative towards establishing the system. In contrast, the APP and trade unions to an extent participated in the enactment of APPPPW. In particular, the APP stimulated all the actors to be interested in the legislation.

In addition, there is a difference in the policy-making process in terms of party politics. Both were introduced by the leading role of ruling party, not the opposition party. Yet, the APPPPW was enacted in normal parliamentary politics whereas the IACI was a product of the SCNR run by the military junta. In this context, the main discussion for the IACI and the APPPPW was conducted in the Government and the National Assembly respectively.

To sum up, while compensation politics in the introduction of IACI is characterised as legitimacy politics under the leadership of the authoritarian Government without interest groups as well as trade unions,

the introduction of the APPPPW was characterised as interest coordination between a 'strong activity of the APP for compensation and politicians' political strategy for the coming election'. The APP played the role of the locomotive before the National Assembly while assemblymen made a decision in the National Assembly. Also, this showed that trade unions were a secondary actor in the introduction of APPPPW.

There are several similarities in introducing the IACI and the APPPPW. First of all, it is difficult to view them from a class politics point of view in terms of low participation and the influence of trade unions in the policy-making process.

Capitalists and unionists all refused to introduce insurance. Capitalists thought that they might lose their power on workers' control because of the introduction of social security while trade unionists feared that it would result in low compensation. Park's played a key role in introducing the IACI while unions intervened but were not a main subject in the introduction of APPPPW. In fact, the main role was achieved by the APP.

Secondly, the main motivation of the legislation was legitimacy for the Government. The Fifth Republic was established on the 12.12 coup and the 1980 Gwangju massacre, while the Third Republic replaced the Second Republic which was overthrown by a military coup in 1961. In order to hide their weakness in legitimacy, the Government introduced some laws related to social welfare.

Thirdly, these laws were introduced in accordance with a pre-election strategy. There was a presidential election and a general election just before the introduction of the IACI and the APPPPW respectively. The ruling party liked to hold all the cards for the upcoming contest.

Focusing on implementation of institutions around the APPPPW, the characteristics of compensation politics in Korea can be discovered

more and more. Focusing on the rationalisation of hospital treatment and the decision of complications related to pneumoconiosis, it can be assessed that the gist of compensation politics in Korea is 'pressure group politics without trade unions'. This is because the trade unions were very weak and subjected to the authoritarian government and, on the contrary, pressure groups had a very strong affect on the Government and trade unions.

Compensation politics for the implementation and reform of the pneumoconiosis-related scheme was mainly conducted by the APP as a pressure group. However, there are some problems with the political context. To begin with, this terrain was not advantageous to all the pneumoconiosis sufferers. This is because the content tended to be introduced in the interests of the main members of APP. The APP, which is usually composed of hospitalised pneumoconiosis sufferers, cannot be a proper actor for the universal scheme and a partner with the government in the aspect of a balance of power. The worst problem lies in the political relations which can deteriorate the problem. It is assessed that the APP does not always work for pneumoconiosis sufferers in general but only those patients in hospital. In the style of compromise, the APP prefers not a type of public social dialogue but a confidential and secret compromise with the government.

Therefore, the political actors, including their own representatives of APP, are being doubted by pneumoconiosis sufferers. Furthermore, the operation of the scheme has also come under question; for example, there has been a consultative institute¹³³ on law but in reality, the committee has not operated until now. As a result, compensation politics results in politics of distrust.

¹³³ The body has been established according to the APPPPW: 'In order to respond to the consultation of the Minister of Labour concerning the establishment of a plan on prevention, etc. of pneumoconiosis, the Pneumoconiosis Deliberation Committee shall be established in the Ministry of Labour' (Article 5).

CHAPTER 6. CONCLUSION

1. Similarity and Difference

Similarity

Similarities between Britain and Korea concerning CWP are found in three aspects: the ex-miners with CWP, the relevant institutions and welfare politics. With regard to the past and present of ex-miners with CWP in Britain and Korea, they all worked in bad working conditions, and this led to various industrial diseases, including CWP. The British miners toiled in an extremely hazardous workplace in the nineteenth and the twentieth centuries in one of the most dangerous and unhealthy of all occupations (McIvor and Jonestone, 2007: 27), and there is no doubt that Korean miners worked in similar circumstances. The differences between the two countries relate to the period of work. While the British miners worked in harsh working conditions during the nineteenth century and in more advanced workplaces in the twentieth century thanks to the nationalization of the mining industry and the strong solidarity of trade unions; Korean miners were still working in hardship even in the 1950s-1970s, in similar conditions to the British miners in the 19th and the early 20th centuries.

The experience of CWP also seems to be similar in the two countries. Both had this occupational disease occur in these workplaces and most sufferers are generally elderly and disabled. If there is a difference, it is that Korean sufferers are more likely to be living in

poverty than British ones because of the differences in the social welfare systems.

There is, furthermore, a similarity between the institutions involved. The sufferers in both countries are treated by welfare states classified as liberal welfare regimes. While Britain has established a welfare state based on the principles of minimum standards of living and universality, Korea has also introduced institutions in the areas of national insurance, social assistance and social services. However, there is also a difference in the period in which these institutions were introduced. Britain's welfare system was established in the 1940s and Korea's in the 1990s.

Institutions for industrial injuries are also similar between Britain and Korea although, of course, they have different histories and different categories; the schemes are also similar in content and benefits. The characteristic difference is that while the CWPS in Britain is an institution formed by business-labour compromise, the APPPPW is secured by the Korean Government. Another different thing is that while medical treatment in Britain comes from the NHS, the treatment for injured workers in Korea is provided by the IACI.

In the case of welfare politics, there are many differences but there are also similarities. Above all, the ex-miners with CWP in Britain and Korea have the same purpose: to try to receive more benefits and they have made their efforts with the help of trade unions. Although there is a big difference in the influence and role of trade unions in Britain and interest groups in Korea, they are both miners' organizations which represent the ex-miners' interests.

Differences

The aim of a comparative social policy study is to discover differences, analyse them and finally expand understandings of social science through their implications. From this point of view, more differences have been found than similarities between Britain and Korea and it is, accordingly, accepted that the comparison between the two countries is useful for the comparative study. These differences will be described in terms of the determinants of welfare politics or the 'deficiency of politics': the role of trade unions, their political ability in relationship with a political party, and institutional legacies in two aspects of welfare system and corporatist system. Of these determinants, the role of trade unions, their political influence over a political party and policy making process and the corporatist system are closely connected while the welfare system is classified as another factor. Therefore the former can be examined as a category of welfare politics while the latter is discussed as social welfare system or welfare model, as can be seen in table 6-1.

Table 6- 1 Difference between Britain and Korea

	Britain	Korea
Main Period	1940s and 1970s	1960s and 1980s
Social Consensus	Post-war Consensus Social Contract	Anti-communism Developmentalism
Political Type	Social Corporatism Labour Politics	State Corporatism Interest Politics
Welfare Model	The Institutional	The Residual

Before examining these factors, it needs to be noticed that the welfare politics and welfare institutions have been designed based on different ideologies and social consensus in the two countries (see Table 6-1). At least until the late 1970s, Britain had set up the foundation of a welfare

system based on the post-war consensus from the mid-1940s and the social contract, especially in the first half of the 1970s. In these periods respectively, the IIA and the CWPS were introduced. By contrast, social corporatism and a seemingly complete welfare system did not appear in Korea until the late 1990s. Before 1987, Korean society and state rushed into developmentalism with the slogan of 'growth first, welfare later' and had been ruled by the dominant consciousness of 'anti-North Korea' and 'anti-communism'. In this situation, Korean trade unions were just an executive committee designed to faithfully follow the goals and intentions of the authoritarian state. In this period, the IACI and the APPPPW were introduced without voluntary and active consensus in enacting the laws in Korea.

Bearing this fact in mind, it is easy to see how the welfare system and welfare politics are understood in these countries. Firstly, regarding welfare institutions, Korean sufferers with CWP seem to be in greater economic difficulties than their British counterparts. The British welfare institutions against poverty secure an income which is at least enough to maintain minimum standards of living based on three components, social assistance, national insurance and demogrant. In addition, health and social services provide free medical treatment to the public through the National Health Service and personal services. Korea has also established a social welfare system with three axes, social insurance, social services and public assistance. However, it is tragic for the Korean elderly that a national pension, the main component of income maintenance, was introduced only very recently. Therefore, over-65s cannot at present receive these benefits. Furthermore, they can ensure their income with social assistance, but it is very difficult because the entitlement, based on the unit of family, is severely limited. Furthermore, it should be noted that the Korean national health service is based on contributions and offers only limited benefits. Therefore the service is not available to everyone

and does not offer all types of medical treatment.

Likewise, the quality and benefits from social security are definitely different. Korean social security is defined as being 'residual' in income maintenance and medical care and does not always give even these benefits to ex-miners because the welfare system has only been introduced recently. Unlike Korea, Britain offers free medical care from the National Health Service and provides a social safety net with a comprehensive care system for families with children, unemployed people, those on low incomes, elderly people, sick and disabled people, bereaved people, and others.

With regard to the IIA and the CWPS in Britain, and the IACI and the APPPPW in Korea which are designed to be for ex-miners with CWP, there are differences in the structure of the law. While Korea's schemes exist as an independent social insurance, Britain incorporates them into the social security system. An interesting aspect is that while the IACI provides medical treatment benefits and work-off allowances only to a small group of injured workers, these benefits are secured in the Social Security Act in Britain. This means that there are nearly no benefits for income maintenance and medical treatment outside the IACI in Korea. Likewise, as far as industrial injuries schemes are concerned, the coverage of compensation in Korea may be more comprehensive than that of Britain because there are medical treatment and work-off allowances in these countries, which are of course secured by National Health Service and Social Security in Britain. For this reason, a Korean person injured at work would like to receive benefits, staying in the IACI for a long time.

Do the differences in the welfare systems affect welfare politics? Injured workers in Korea yearn to receive the benefits of IACI because the benefits are almost full income and pay for medical treatment. In other words, the IACA and the APPPPW becomes an object of intensive

desire or an object of criticism according to whether or not they are recipients. By contrast, Britain covers these benefits in the social welfare system as well as providing compensation for industrial diseases. In other words, British workers with an industrial injury can be provided with free medical treatment and social benefits outside the IIA. Therefore, injured workers in Britain do not feel the temptation to stay in IIA for a long time compared with Korean workers. As a result, the welfare politics for compensation tends to be formed around the industrial injuries schemes in Korea and around the social security system in Britain. In addition, because the industrial injuries system in Korea provides limited beneficiaries with compensation for CWP¹³⁴, the welfare politics tends to be established differently between ex-miners with and without benefits. In other words, the politics can be characterized as not politics for the general ex-miners but only for some ex-miners.

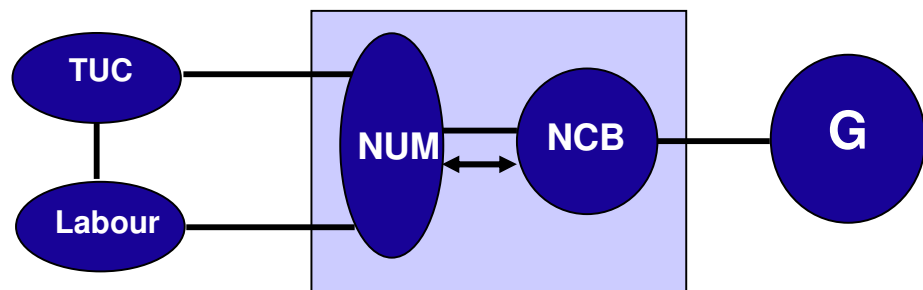
As discussed above, welfare institutions affect the trend and characteristic of welfare politics around CWP. In this institutional situation, welfare politics makes a distorted implementation of institutions in Korea as described below. To understand this, the situation of welfare politics in Britain will first be examined; then Korean welfare politics will be examined.

Compensation politics in Britain around CWP can be identified as follows. Firstly, the politics of the introduction of the schemes was characterized as class politics based on social corporatism. In other words, the compensation politics was labour politics based on the tripartite participation between trade unions, employers and the Government. Secondly, the compensation politics identified as democratic or social

¹³⁴ It is a problem that recipients are very limited. There are big problems in terms of limitation of IACA and social insurances in level of benefits. In the case of pneumoconiotics, only about 3,000 pneumoconiotics of approximately 30,000 who get miners' lung (Welco, 2001) are in hospital due to the strict examination criteria. Accordingly, others outside hospital have criticized the system and criteria of medical examination.

corporatism is based on the strong influence of trade unions on policy-making process in state politics. For example, the introduction of the CWPS was also introduced by labour politics based on a social contract and social corporatism between the Government, capital and labour. As can be seen in Figure 5, the struggle around compensation of pneumoconiosis has been solved by social concertation between NUM and NCB, which are representatives of labour and ex-miners with CWP and of the government and British coal corporations respectively.

Figure 5 Compensation Politics for the CWPS in Britain



G: Government
Labour: Labour Party

The processes of the CWPS' establishment showed typical characteristics of social corporatism which were compromises by participants and classes, and the participants recognized this and were satisfied with the results of compensation politics. Likewise, compensation politics for introduction of the schemes in Britain are identified as a relatively fair exchange by the relevant participants. Regarding the IIA, there were exchanges between participants. For example, trade unions agreed with a proposal containing workers' financial contributions to the IIA. This agreement means that trade unions accepted a financial burden. In return for this contribution, it was expected that trade unions could participate in administrative affairs and injured workers could all be institutionally compensated. In the case of the CWPS, the NCB and the Government

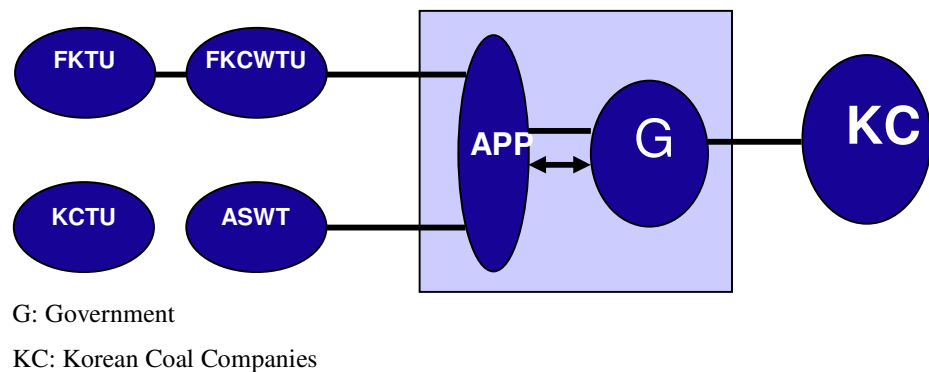
urged the trade unions to take responsibility in return for the introduction of the CWPS while the Government made a promise for subsidies in this contract (NCB, NUM, NACODS and BACM, 1974: 440-441). Likewise, the compensation politics in the CWPS is identified as the politics of exchange due to the fact that on the one hand there were compensation benefits and finance for compensation and on the other hand there was a restraint of litigation to common law.

The compensation politics characterized as politics of exchange can be called a social contract. Firstly, this is because the exchange had been formed by participation and agreement of actors of labour politics, the Government, the TUC, the NCB, and the unions concerned. Secondly, the actors even including the opposition party, the Conservatives, were very satisfied with the results of the exchange, namely the Social Security Act, IIA, the 'Plan for Coal' and CWPS 1974. The politics of exchange based on social dialogue showed the power and influence of trade unions over the Government and the political area. In the context, the NUM was very positive about the establishment of the CWPS: "The scheme brought many benefits to miners and widows. The best of these was compensation to make up for lost earnings" (Thomas Coulter, Interview).

On the other hand, the legislation in Korea can be understood in the context of deficiency of welfare politics. Firstly, instead of trade unions experts and pressure groups actively participated in the legislation of the IACI and the APPPPW respectively. As mentioned above, the trade unions were organized in line with the Government's intentions and agreed with its ideology of anticommunism and developmentalism. In this situation of authoritarian politics, pressure group politics and class politics may have been impossible. This is exactly applicable to the IACI. Yet, fortunately, pressure group politics was involved in the policy-making process for pneumoconiosis patients.

The main actors in introducing the APPPPW were the APP and the Government as shown in the figure 6. The APP, acting on behalf of pneumoconiosis patients, became a key compromiser in the political bargaining with the government whereas trade unions and political parties kept a distance.

Figure 6 Compensation Politics for the APPPPW in Korea



There were no parties involved in introducing the IACI and the APPPPW and there was thus no relationship between a progressive party and the trade unions. This is because that there is no room for progressive parties in a political terrain based on anticommunism and developmentalism. In particular, “this political environment also deprived labour of political party support. No party in South Korea, even at the end of the 1990s, sought to identify itself with labour or to render organizational support to the working-class movement for fear of being branded as sympathetic to communism” (Koo, 2001: 12). Thus, almost everything depended on the will of the President who was assisted by bureaucrats and experts.

To summarize the legislation, the IACI and the APPPPW can be characterized as a deficiency of welfare politics or ‘bureaucratic-authoritarian politics’ in terms of the very weak role played by trade unions, the absence of progressive parties, the absolutely strong leadership of authoritarian state, and the subordination to the

government's legitimacy although pressure group politics did exist around the introduction of the APPPPW. Consequently, the Korean welfare politics had produced 'a premature baby' because of poor politics in the creation of social security institution as can be seen in the example of the IACI and the APPPPW.

The weakness of welfare politics seems to lead to political distrust from the ex-miners. The political actors, including their own representative, the APP, the trade unions and the Government, were all doubted by ex-miners with CWP and this led to institutional distrust and institutional distortion in operation. In addition, their political weakness prohibits reflecting on the interests of workers and sufferers. "When the IACI was first introduced, the programme covered only workers working in mining and manufacturing firms with more than 500 employees" (Shin, 2003: 64). In the case of the APPPPW, the deficiency of politics can make the problem even worse. It was perceived that the APP did not always work for the sufferers in general but just for a special stratification of them, HPP. The APP preferred a confidential and secret compromise with the government to reflect on its special interests. This finally resulted in separation between ex-miners with CWP and their representative organizations.

Another negative effect which is caused by the political weakness is that subjects for compromise and discussion are very limited. In other words, the Government and relevant actors want to handle subjects confined to subjects such as level of compensation and the expansion of coverage rather than a reform of structures such as participation of actors and institutional frame. For example, the APP has been interested in "demands of HPP rather than the IACI in general" (Young-Sun Kwon, Interview B1).

Based on the above discussion of welfare politics, there are two differences in Britain and Korea. The first difference is between interest

group politics and labour politics. Korean politics is characterized as interest group politics. Despite now having relatively stronger trade unions, there is a lack of intervention in policy-making and political participation. In particular, the organizational base, enterprise-based trade unionism, does not enable them to represent all workers.

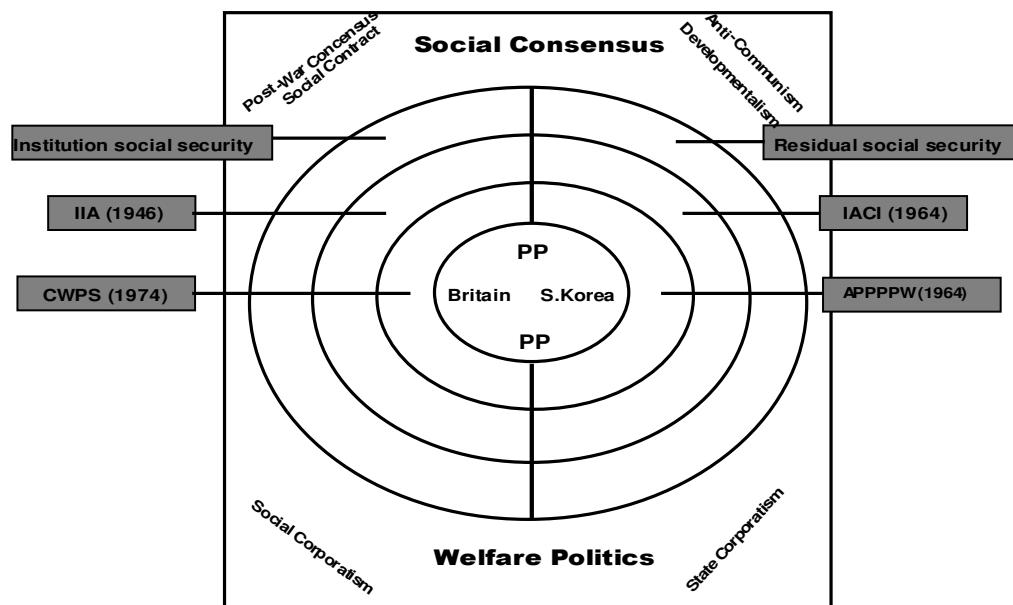
By contrast, the politics in Britain can be recognized as labour politics or class politics. The trade unions created the Labour Party and participated in policy-making. This means that they have represented general interest. In this context, ex-miners with CWP did not have to form their own organization: “This was one reason why there was no significant separate pressure group activity on respiratory disease in UK coal mining” (McIvor and Johnston, 2007: 233).

The most important difference between Britain and Korea is the political relationships among the main actors. Korean compensation politics for pneumoconiotics are conducted by the patients themselves, who organized APP and the Ministry of Labour; whereas compensation politics in Britain are subject to welfare politics handled by a tripartite committee of trade unions, businesses and the government. In particular, compensation politics have been supported by a social consensus such as the post-war consensus and social contract.

To summarize, there are differences in the areas of welfare politics and welfare system between Britain and Korea as shown in the Figure 7. Welfare politics in Britain is identified as class politics, labour politics and exchange politics based on balanced power relations among classes and the corporatist political system. Welfare politics in Korea, however, is characterized as pressure group politics for specific parts or legitimacy politics for the national goal based on state corporatism. In addition, welfare politics has established different welfare institutions. Korea has established a residual welfare system while Britain has an institutional system. In addition, the institutions regulate their welfare

politics in different ways: the interests of ex-miners with CWP are secured through established schemes by trade unions in Britain while in Korea the schemes are unfairly operated by interest groups for a subgroup of the sufferers. As a result, in Korea, welfare politics based on these politics and institutions leads beneficiaries to distrust the Government, relevant institutions, and even their own organization. Similarly, the distrust which exists in Korean ex-miners with CWP can be understood and explained in terms of welfare politics and a welfare system which has been formed by welfare politics.

Figure 7 Comparison: Welfare Politics of Welfare System of Britain and Korea



2. Findings and Implications

There are five findings in this thesis. Firstly, the distrustful attitudes of Korean ex-miners with CWP originate from welfare institutions and

welfare politics which are closely related. Secondly, a principle of new institutionalism, the correlation between institution and politics, is evident in the compensation politics in Britain and Korea. Thirdly, in an explanation of the Korean welfare state, the power resources model which is rooted in political economy and corporatism is more persuasive than a cultural approach, Confucianism. Fourthly, there are many differences in this policy area between Britain and Korea despite similarities in their welfare state regimes. Fifthly, politics rather than institutions are the dominant explanatory variable. These findings will each be discussed in turn.

With regard to the first finding, Korean ex-miners with CWP have to make a strong personal effort in order to receive benefits from the APPPPW while British ex-miners with CWP can rely on the general social security system and the efforts of their trade unions. Korean sufferers tend to have an overall distrust of the government, experts, institutions and even their own colleagues and organizations, making them isolated from society, whereas British sufferers trust their organization, the NUM, and, accordingly, have not set up their own organization for compensation outside the NUM. The explanation of this contrast lies in institutions and politics.

Firstly, there has been a deficient welfare system in Korea. As explained earlier, the Korean welfare system does not ensure income standards required for living and adequate medical treatment of the elderly. Thus, ex-miners with CWP prefer to be hospitalized for medical treatment and receive off-work allowances. However, the provision is very small and limited and outside of the IACI and the APPPPW sufferers are disappointed. The poverty and discouragement they face results in social distrust.

Secondly, there is poor management of institutions. The managers of the APPPPW and the IACI related to pneumoconiosis are the

Government, the APP and professionals. There is little intervention from trade unions while some ex-miners with CWP are represented by the APP. In this situation, the management of institutions based on compromises between the Government and the APP seems almost as collusion against general sufferers without benefits.

Regarding the second finding about new institutionalism, the explanation is split into two aspects. The first one is related to the formation of institutions and the second to the management of institutions.

In the case of formation of institutions, attention must be paid to the institutional legacies; this will be discussed in two aspects. To begin with, the phenomena are explained by the weakness of social welfare. Korea has experienced a dramatic development in economic areas based on the ideology of putting an emphasis on economic growth. As a result, there is lack of welfare in Korea. This is because the developmental state and a few technological bureaucrats, who had regarded welfare as a luxury, introduced a welfare system primarily as a means to provide legitimatization to the authoritarian regime.

On the other hand is the politics of the residual welfare system, which has been created without trade unions, competes for limited resources and the main actors tend to be limited to small interest groups. A fundamental problem is that groups who support a welfare state do not entrench themselves. The British experience was that the welfare system won the support of people and groups who were linked with institutions. Thus, they become avid supporters and this protects them from retrenchment in the case of a crisis in welfare. It can be proved from the Korean experience that the authoritarian politics created residual welfare institutions and hence political deficiencies in welfare politics.

In the case of the management of Korean institutions, on the one hand the politics of compensation is mainly run by the APP which is based on HPP. On the other hand, the requirement of hospitalization

under the APPPPW leads to a separation between HPP and SPP. Likewise, a vicious circle of institutions and activities (or politics) creates political effects of distrust and distortion.

According to historical institutionalism, politics establishes institutions and the institutions affect politics; this is the pattern of welfare politics around pneumoconiosis compensation.

As far as the third finding is concerned, this thesis asserts that in an explanation of Korean welfare state, the power resources model is more persuasive than a cultural approach derived from Confucianism. The previous main perspective of East Asian Welfare Model is that, to simply, the model is characterized as a residual welfare system with responsibility of family, and its attributes stem from Confucianism.

There are several doubts about this argument. Firstly, the perspective can suggest mistakenly that people who are in the tradition of Confucianism agree with the residual welfare model, whereas we can draw no such conclusion because of the history of repression by authoritarian regimes. Secondly, there is a doubt whether the public are subject to Confucianism. After the rapid growth of Christianity in Korea in the 1970s, a majority of the religious population divide into Christianity and Buddhism. Only a few people tend to identify themselves as a Confucianist. In particular, there has been a dramatic change in the typical composition of the family from extended to nuclear family since the industrialization of 1960s. Thirdly, this explanation does not reflect on a change of political terrain since demonstrations in the 1980s in Korea. A new trade union movement called the 'Democratic Trade Union Movement' appeared as a main actor in labour politics and the group is identified as left-wing and militant. At the beginning of the 1990s, additionally, a variety of civic groups have acted in various areas and impacted on political arenas. Fourthly, it is necessary to re-examine the debates about the definition, function, role etc. of Confucianism in terms

of economic growth in East Asia. Regarding familialism, Confucianism tends to regard family and state in the same light and does not contend that the state should hand over its responsibility to the family. Finally, the perspective based on Confucianism can lead to fatalism or path-dependency. In other words, because the culture of Confucianism instilled into people cannot be changed easily, the East Asian Welfare Model can be legitimated as path-dependent and the transformation from authoritarianism to democracy made very difficult.

This thesis strongly asserts that the residual welfare system in East Asian state is based on deficiency of welfare politics rather than Confucianism. It shows that citizens have not accepted the values of Confucianism although the authoritarian state might seek to rest its welfare policy on Confucianism. In addition, their adoption of the residual welfare model is due to the state's coercion and intentions reflecting the weakness of trade unions and the absence of a progressive political party. Therefore there was a lack of class politics as there were no political bases, such as trade unions, to act as a political partner in the corporatist system of compromise and leadership of these political groups to the public. In conclusion, poverty of class politics results in distrust of the East Asian Welfare Model which can be identified as residual social welfare.

Although the East Asian Welfare Model can explain insufficient welfare benefits, this still does not fully explain the distrust of pneumoconiosis patients to the pertinent institutions. When pneumoconiosis patients criticize the government and the institutions, the criticism tends to go toward the operation of the institution and the performance of the policy rather than institutions or policies themselves. Therefore the crucial problems of the institutions and policies lie not in the content of the institutions and policies themselves but the failure to obtain consent for the creation and performance of them. In conclusion,

the East Asian Welfare Model should be considered in terms of the weakness of politics in relation to consensus and compromise in addition to the weakness of welfare provisions.

With regard to the fourth finding, this thesis shows that there are big differences between the welfare systems and welfare politics of Britain and Korea although the two are often included in the same category of welfare state regime, the Anglo-Saxon Model. The main factor in these differences is the legacy of politics and institutions. In politics, the role and position of trade unions in welfare politics should be considered as a crucial factor. Related to this, Castles pointed out that there is a peculiar clustering of the Anglo-Saxon nations around the liberal model but it is important to distinguish between those societies, like Australia and Britain, where the labour movement has played a significant role in social policy formation and those, like the United States, where its role was peripheral (Esping-Andersen, 1999: 75). In the case of the legacies of institutions, we should draw attention to the level of benefits available within the established essential institutions.

Within this general context, welfare systems were based on different institutional legacies and politics in their formation, transformation and implementation, it is also noted that the welfare systems in the two countries, including the institutions for pneumoconiosis patients, are also based on different political systems and institutional legacies. For example, Britain has a fully-equipped, consistent system of ideologies such as social democracy or liberalism, as well as policy concertation characterized as social corporatism and a balance of power, whereas Korea had been ruled by an authoritarian regime typified as state corporatism or a developmental state.

The fifth and final finding that politics is prior to institutions is closely related to the main argument of this thesis. We can answer in the

following three ways the question of what causes the sense of distrust among the elderly with pneumoconiosis.

Firstly, are ex-miners with CWP criticising and distrusting the institutions due to their own greediness? This assertion confuses a cause and a result. The institutions are responsible for the attitude of the elderly with pneumoconiosis, rather than the reverse. Their longings for benefits are related to their rights and it is natural that the poor institutions in aspects of benefits and politics result in excessive activities and demands. In conclusion, sufferers' attitudes are not a cause but a result of bad institutions.

Secondly, is it the institutions concerned? The answer is definitely yes. Unequal distribution and unclear operational processes lead the elderly with pneumoconiosis to a justifiable distrust of institutions and society. The authority and legitimacy of laws and the government are in danger in Korea due to the deficiencies of the institutions operating in these areas.

What then about the third possible cause, welfare politics? The answer again is definitely yes. Politics generally plays two roles: creator and manager of institutions. First of all, politics enacts institutions necessitated by the power relations and needs of an era. In this process welfare politics expresses value distribution in social welfare in institutions. The internal power relations, intentions of actors and the struggle and compromise between them are inscribed in the institutions. The origin and identification of an institution can therefore be discovered in politics. In addition, institutions are also managed by politics. In other words, an institution in provisional existence becomes a social and alive subject when politics eventually animates it. Similarly, it is certain that welfare politics is responsible for criticisms and complaints of beneficiaries owing to its role and responsibilities for value distribution and management.

The pneumoconiosis problem has been caused by politics and institutions, as shown in the analysis above. This is because politics as an inventor gives birth to institutions and furthermore it tries to preserve or change them in a reformist or a revolutionist sense although this is sometimes influenced by the order of institutions. Although the importance of both varies in accordance with a great variety of situations, relations and eras, the argument of this thesis is that the primacy of politics must be emphasized.

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APPENDICES

Appendix A

Interviews in Britain

Name	Position and Career	Date/ Location	Source
Eric Varley	Ex-Labour MP <u>Secretary of State for Energy</u> in 1974	AUD/58	Interviews by Miners' Library
Alex Eadie	Junior Minister for Energy in 1974	AUD/129	
D. J. Ezra		AUD/54	
L. Daly		AUD/40 in Miner' Library	
M. McGahey		AUD/137 in Miner' Library	
Arthur Scargill	Ex-President of NUM	AUD 143 in Miner' Library	
Tony Benn	Secretary of State for Industry in 1974	AUD 25 in Miner' Library	
J. Gormley	Ex-President of NUM		Autography
Tommy Coulter	12 July 07 ex-representative in Tribunal	Meeting in Scottish Miner's Home in Fife	Interview conducted by researcher
Wayne Thomas	8 May 08 president of South Wales NUM	Meeting in the office of South Wales NUM	
Eric Clarke	10 August 07 ex-politician from NUM	Meeting in Scottish Mining Museum	
N. Wilson	4 May 07 President of Scotland NUM	Meetings in office of Scotland NUM	
Dave Douglass	2 July 08 Branch Secretary at Hatfield Main, currently Organiser in Transport and General Workers' Union.	Meeting in Durham	

Appendix B

Interviews in Korea

Institute	Name (Sex)	Position	Date/ Location
Government (MOL)	Kown, Y.S. (M)	Head of IACA Department in the Ministry of Labour	27. 04. 06. Kyonggi Province: Office of the MOL
	Park, M. S. (F)	Assistant junior official	27. 04. 06. Kyonggi Province: Office of the Ministry of Labour
	Lee, H.K. (M)	Ex-Minister in the Ministry of Labour	27. 04. 06. Seoul: Hotel(Holly Day in Seoul)
Welco	Sim, Y.B. (M)	General Manager	20. 04. 06. Taebaek Office
Politician	Kim, J. N. (M)	Ex-member of the National Assembly	02. 05. 06. Seoul: a coffee shop
	Kim, Y. S. (M)	Member of the Local Assembly in Taebaek City	19. 04. 06. Taebaek: his office for election
Pneumoconiosis-related association	Jung, H. Y. (M)	President of APP	21. 04. 06. Taebaek: office of APP
	Hong, C. B. (M)	The Director of APP and journalist of Daily Newspaper	20. 04. 06. Taebaek: office of APP
	Kim, M.K. (M)	President of ASPP(2)	19. 04. 06. Taebaek: a restaurant ; Press room in Taebaek City Hall
	Ju, E. W. (M)	President of ASSPP(1)	20. 04. 06. Taebaek: office of ASPP (1)
Local Association	Won, E. H. (M)	President of Taebaek Self-Sufficiency Centre	20. 04. 06 Taebaek: office of Taebaek Self-Sufficiency Centre
Trade Union(1) FKMWTU	Kim, T. S. (M)	The vice-chairman of FKMWTU	25. 04. 06 Seoul: office of FKMWTU
	Park, C. C. (M)	Section chief of Safety Department	25. 04. 06 Seoul: office of FKMWTU
Trade Union(2) FKTU	Cho, K. H. (M)	Director in Occupational Health & Safety Institute	02. 05. 06. Seoul: office of FKTU
Trade Union(3) KCTU	Kim, E. G. (M)	Deputy Director in Industrial Safety and Health Unit	27. 04. 06 Seoul: office of KCTU
Physician	Cho, C. W. (M)	Ex-president in pneumoconiosis-related hospital	18. 04. 06 Seoul: a coffee shop in Catholic Hospital
	Cho, K. S. (M)	President of Korean Industrial Health Association	18. 04. 06 Seoul: office of of Korean Industrial Health Association
	Jeon, K.J. (M)	The director of the internal department in Taebaek Choongang General Hospital	19. 04. 06 Taebaek: medical office of Taebaek Choongang General Hospital
Social Worker	Kim, K.M. (F)	Social Worker in Taebaek Choongang General Hospital	3. 05. 06 Seoul: a coffee shop

Appendix C

Data for Development and Deline of Mining Industry in Scotland

Coal Production in Britain (thousand tonnes)

	Britain	World	Britain as % of World
1913	292,043	1,214,685	24.0
1920	233,216	1,167,710	20.0
1925	248,408	1,188,527	21.8
1930	247,870	1,221,978	20.3
1934	224,383	1,096,178	20.6

Source: TUCGC, 1936: 16.

Deep-Mined Coal Production in Britain: Number of coal mines, output, manpower, productivity

		Output				
		NCB mines	Licensed mines (thousand tonnes)	Total		
1913	3,024			287,430	1,075	267
1920	2,571			229,532	1,191	193
1930	2,091			243,882	910	268
1937	1,807			240,409	773	311
1939				235,000	766	
1945				187,000	709	
1947	1,542	184,894	2,309	187,203	707	265
1950	901	202,420	1,719	204,139	693	295
1955	850	207,921	2,339	210,260	704	299
1960	698	183,862	2,190	186,052	607	306
1965	504	178,914	1,253	180,167	469	384

* From 1948, the figures relate to NCB mines in production at the end of the year and exclude licensed mines. There were 233 licensed mines in production during 1967.

* Source: MOP, 1967: 62.

British Coal Mining: Supply and Demand Since Nationalisation

Million tonnes

	1947	1957	1977	1983	1984
Supply					
Deep-mined	190	213	168	107	35
Opencast	10	14	7	14	14
Imports	1	3	-	2	9
	201	230	175	123	58
Demand					
Home	188	216	167	124	77
Exports and bunkers	5	8	2	2	2
	193	224	169	126	79

Source: Robinson and Marshall, 1985: 18.

Primary Fuel Input in Britain: Millions of Tonnes Coal Equivalent and %

	1948		1958		1970	
	mtce	%	mtce	%	mtce	%
Coal	193.9	90.8	202.4	80.5	154.4	47.1
Petroleum	18.7	8.8	47.2	18.7	145.6	44.4
Hydro electricity	0.9	0.4	1.5	0.6	2.6	0.8
Nuclear electricity	-	-	0.1	0.1	9.4	2.8
Natural gas	-	-	0.1	0.1	16.0	4.9
Total	213.5	100.0	251.3	100.0	328.0	100

Source: DTI, 1971.

Production of Primary Fuels in Britain, 1980-2005 (energy supplied basis)

Million tonnes of equivalent

Year	Coal	Petroleum	Natural gas	Nuclear electricity	Hydroelectricity	Total
1980	79	87	35	10	0	211
1985	57	139	40	17	0	253
1990	56	100	46	16	0	219
1995	33	143	71	21	1	270
2000	20	138	108	20	1	289
2005	13	93	88	18	1	215

Source: Hetherington et al., 2007: 84.

Production of Deep-Mined and Opencast Coal in Britain, 1977-2005

Thousand tonnes

	Deep-mined			Opencast			Deep-mined and opencast
	Anthracite	Bituminous	Total	Anthracite	Bituminous	Total	Total
1977	1,209	105,914	107,123	1320	12,231	13,551	120,674
1979	1,693	106,082	107,775	1,337	11,525	12,862	120,637
1981	1,566	108,907	110,473	1,343	13,485	14,828	125,301
1983	1,249	100,493	101,742	767	13,939	14,706	116,448
1985	838	74,451	75,289	1,304	14,265	15,569	90,858
1987	917	85,040	85,957	1,174	14,612	15,786	101,743
1989	453	79,175	79,628	1,607	17,050	18,657	98,285
1991	189	73,168	73,357	1,607	17,050	18,657	91,993
1993	115	50,342	50,457	1,289	15,717	17,006	67,463
1995	-	-	35,150	-	-	16,369	51,519
2000	-	-	17,187	-	-	13,412	30,599
2005	-	-	9,563	-	-	10,445	20,008

Source: Hetherington et al., 2007: 36.

Appendix D

Data for Development and Deline of Mining Industry in Korea

Coal Production of Private and Nationalised Coal Mines

	Total Production		KOCOAL		Private Mine	
	Output	Component Ratio	Output	Component Ratio	Output	Component Ratio
1962	7,444	100.0	3,535	47.5	3,909	52.5
1964	9,622	100.0	4,635	48.2	4,987	51.8
1966	11,613	100.0	4,104	35.3	7,509	64.7
1968	10,242	100.0	4,256	41.6	5,986	58.4
1970	12,394	100.0	4,454	35.9	7,940	64.1
1972	14,403	100.0	3,809	26.4	10,594	73.6
1974	15,263	100.0	4,410	28.9	10,853	71.1
1976	16,427	100.0	4,617	28.1	11,810	71.9
1978	18,054	100.0	4,672	25.9	13,882	74.1
1980	18,624	100.0	4,786	25.7	13,838	74.3
1982	20,116	100.0	5,006	24.3	15,222	75.7
1984	21,370	100.0	4,953	23.2	16,417	76.8
1986	24,253	100.0	5,218	21.5	19,035	78.5
1988	24,295	100.0	5,221	21.5	19,073	78.5

Source: Korea Energy Institute, 1988; Seo, 1993: 43-44.

Coal production, Number of Pits, Number of Workers (1965-1991)

	Productivity	Number of Coal Mines	Number of Wage Earners
Year	(thousand tonnes)	(mines)	(persons)
1965	10248	128	35000
1967	12436	155	40000
1969	10273	129	32000
1971	12785	160	39478
1973	13571	160	34573
1975	17593	239	45642
1977	17268	145	48779
1979	18208	201	53098
1981	19865	219	60302
1983	19861	346	59923
1985	22543	361	67136
1987	24274	363	68491
1989	20785	332	47934
1991	15057	170	32561

Sources: CIPB, 1992; Seo, 1993: 20.

Pit Closure in Korea (1989-1993)

Area	No. of Pits	Amount of Production (thousand tonnes)	No. of Miners
Nation	303	13,618	31,535
Gangwon	156	8,700	18,996
Taeback	42	3,564	8,585
Dogae	8	229	836
Youngdong	42	1,071	1,972
Gohan and Sabuk	30	1,970	4,115
Youngwol, Pyungchang, Jungsun	34	1,866	3,488

Source: CIPB, 1994; Kang, 2000: 34.

Actual Facts of Coal Mines in Several States

Category	Japan	West Germany	Britain	America	Korea
Reserves (million)	8,479	230,300	185,000	695,828	1,635
No. of Mines	28	42	196	570	347
No. of Miners	14,425	65,203	102,900	108,718	64,031
Annual Production (thousands)	16,012	80,200	108,100	318,000	24,295
Rate of Mechanisation (%)	76	99	94	99	49
Deaths (per million)	0.9	0.2	0.4	0.2	7.2

Source: Yoo and Won, 1991: 30.

Appendix E

Industrial Disaster after Introduction of IACIA

	Number of Workers by Industrial Disaster in All Mines				Number of Workers by Industrial Disaster in Coal Mines				Number of Workers by Industrial Disaster in General Mines			
	Death	Serious Wound	Minor Wound	Total	Death	Serious Wound	Minor Wound	Total	Death	Serious Wound	Minor Wound	Total
1964-1970	1,339	11,010	35,082	47,431	1,045	9,858	28,234	39,137	294	1,152	6,848	8,294
1971-1980	2,272	19,834	39,116	61,222	1,930	17,841	33,274	53,045	342	1,993	5,878	8,213
1981-1990	1,832	26,021	31,572	59,425	1,595	23,898	29,130	54,623	237	2,123	2,442	4,802
1991-2000	430	5,121	4,045	9,596	331	4,310	3,532	8,173	99	811	513	1,423

Source: FKCWTU, 2005: 438-439.

Appendix F

Prescribed Industrial Diseases; Lung Diseases in Great Britain

Disease	Disease No.	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Pneumoconiosis	D1										
Coal		325	205	485	375	355	435	1,020	1,050	1,055	670
Asbestos		480	345	315	405	445	460	570	655	760	830
Other		40	45	70	65	65	75	150	80	60	85
Diffuse Mesothelioma	D3	640	555	590	650	650	755	1,000	1,170	1,345	1,535
Occupational asthma	D7	410	300	220	170	195	145	150	190	190	230
Lung cancer with asbestosis	D8	50	25	40	40	40	55	55	70	75	80
Primary carcinoma of the lung	D8A										
Pleural thickening	D9	170	155	225	240	275	290	380	400	410	415
Chronic bronchitis and/or emphysema	D12	270	3030	3425	1450	600	450	475	405	290	190
Others		15	5	10	20	5	5	10	-	10	5
Total		2,395	4,660	5,385	3,435	2,605	2,670	3,810	4,020	4,235	4,035

Sources: HSE, Table IIDB01 at <http://www.hse.gov.uk/statistics/tables/iidb01.htm>; HSC, 2001, Table A2.6.

Appendix G

Pneumoconiosis. New Industrial Injuries Scheme Cases by Agent*, Age and Percentage Disablement, 1998-2006

	Percentage disablement assessed																							
	10 or less				20-40				50-70				80-100											
Year	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)	2000	2002 (a)	2004 (a)	2006 (a)(b)(p)
Under 45	5	5	35	10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5	5	35	10
45-64	50	195	320	95	25	35	30	15	-	-	-	-	-	-	-	-	-	-	-	-	75	230	350	105
65+	130	550	570	200	130	205	115	105	10	20	10	5	5	10	5	5	5	275	785	700	275	785	700	290
Total	185	755	925	305	155	235	145	125	10	20	10	5	5	10	5	5	5	355	1,020	1,085	355	1,020	1,085	405

* This table is reorganised focusing on agents other than asbestos.

Sources: HSC, 2001, Table A2.7.

<http://www.hse.gov.uk/statistics/causdis/coal.htm>

Appendix H

Approval and Disapproval of Medical Treatment by Occupational Disease

(Unit: Person)

	2000		1999		1998		1997	
	A	D	A	D	A	D	A	D
Pneumoconiosis	416	266	402	142	475	62	661	381
Difficulty in Hearing due to Work Noise	144	20	224	60	221	29	264	99
Metallic toxication	11	2	22	2	27	11	22	15
Organic Solvent	7	3	52	69	56	63	82	62
Chemicals	16	5	21	9	23	8	26	1
VDT Syndrome	157	19	139	35	65	20	139	6
Disease of Heart and Brain	794	232	932	484	836	326	710	456
Lumbago	81	13	75	26	57	22	79	79
Others	78	68	70	93	72	47	43	78
Total	1,704	628	1,937	920	1,832	588	2,026	1,177

Note: A: Approval; D: Disapproval

Source: Welco, 2001: 10.